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CHARTER

CITY OF NASHVILLE

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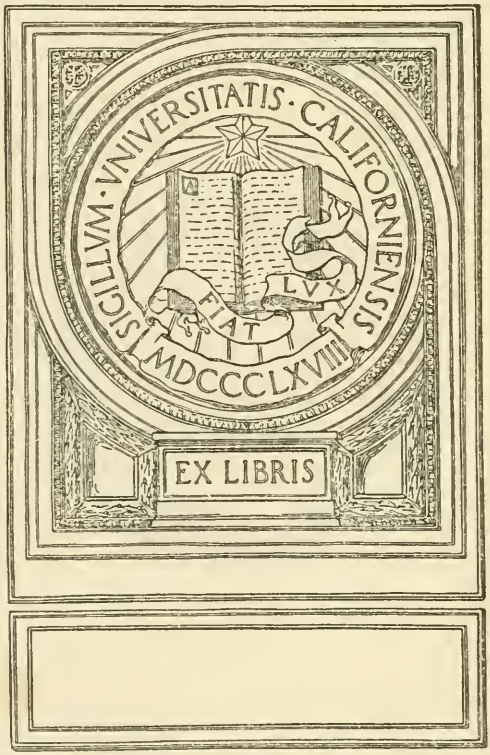

THE CHARTER

OF THE

CITY OF NASHVILLE

As amended by various Acts of the General Assembly
of Tennessee, including all amendatory Acts
passed by the General Assembly of
1909, to which all such Acts
of 1909 are prefixed

Nashville, Tenn.
McQUIDDY PRINTING COMPANY
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A.

ACTS OF THE GENERAL ASSEMBLY OF 1909, AMENDING THE CHARTER OF NASHVILLE.

I.

(Chapter 2, Acts of 1909.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' the same being Chapter 114 of the Acts of 1883, passed March 21, 1883, and approved March 27, 1883, and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville," by fixing the compensation of the Assistant City Tax Assessor, the Assistant City Treasurer, and the Assistant City Comptroller at $1,800 per annum each, and by fixing the compensation of the officer attached to the Law Department at the sum of $1,500 per annum.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 114 of the Acts of 1883, passed March 21, 1883, and approved March 27, 1883, and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville, be, and the same are hereby, amended as follows—to wit: "The compensation of Assistant City Tax Assessor, the Assistant City Comptroller, and the Assistant City Treasurer of all cities controlled by this Act shall be each per annum $1,800, payable monthly, and the salary of the officer attached to the Law Department shall be $1,500 per annum, payable monthly.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 26, 1909.

Wm. Kinney,
Speaker of the Senate.
M. Hillsman Taylor,
Speaker of the House of Representatives.

Approved January 28, 1909.

Malcolm R. Patterson,
Governor.

II.

(CHAPTER 23, ACTS OF 1909.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upward, according to the Federal census of 1880, whose charters have been abolished,' the same being Chapter 114 of the Acts of the General Assembly of 1883 and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville," by increasing the compensation of the Judge of the City Court of cities controlled by Chapter 114 of the Acts of 1883 from fifteen hundred dollars ($1,500) per annum to two thousand dollars ($2,000) per annum, payable monthly.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 114 of the Acts of the General Assembly of 1883 and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville, be, and the same are hereby, amended by increasing the compensation of the Judge of the City Court of cities organized and controlled under said Chapter 114 of the Acts of 1883 from fifteen hundred dollars ($1,500) per annum to two thousand dollars ($2,000) per annum, payable monthly.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1909.

WM. KINNEY.
Speaker of the Senate.
M. HILLSMAN TAYLOR.
Speaker of the House of Representatives.

Approved February 5, 1909.

MALCOLM R. PATTERSON.
Governor.

III.

(CHAPTER 33, ACTS OF 1909.)

AN ACT to be entitled An Act to amend an Act entitled An Act to amend an Act entitled An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upward, according to the Federal census of 1880, whose charters have been abolished, the same being Chapter 114 of the Acts of the General Assembly of 1883, by providing for the grading, guttering, paving, graveling, or macadamizing of any of the streets, highways, avenues, or alleys within the corporate limits of such cities, and assessing two-thirds of the total cost of said improvements upon the lands or lots abutting on said streets, highways, avenues, or alleys, and for paying for said improvements, and for authorizing such cities to issue certificates to pay for the same, and for the redemption of said certificates, the same being Chapter 482 of the Acts of the General Assembly of 1907, by providing that the revenue which has accrued during the years 1907 and 1908 by virtue of the special levy of taxes authorized by Section 23 of said Chapter 482 of the Acts of the General Assembly of 1907, shall be used exclusively by the proper city officials for the purpose of improving or constructing suburban streets in those parts of the city of Nashville which were annexed to said city by Chapter 333 of the Acts of the General Assembly of 1905, Chapter 80 of the Acts of the General Assembly of 1907, Chapter 119 of the Acts of the General Assembly of 1907, and Chapter 124 of the Acts of the General Assembly of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 23 of Chapter 482 of the Acts of the General Assembly of 1907, passed April 13, 1907, and approved April 15, 1907, the same being the Act the title of which is set forth in the caption of this Act, be, and the same is hereby, amended by adding at the end of said Section 23 the following: "*Provided, however,* that the revenue which has accrued by virtue of the special street tax, authorized by this section, during the years 1907 and 1908, the same amounting, approximately, to $110,000, shall be used exclusively by the proper corporate officials of the city of Nashville for the purpose of constructing, improving, and maintaining suburban streets in those parts of the city of Nashville which were annexed thereto by Chapter 333 of the Acts of the General Assembly of 1905, Chapter 80 of the Acts of the General Assembly of 1907, Chapter 119 of the Acts of 1907, and Chapter 124 of the Acts of the General Assembly of 1907."

SEC. 2. *Be it further enacted,* That this Act take effect

from and after its passage, the public welfare requiring it.

Passed February 9, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WM. KINNEY,
Speaker of the Senate.

Approved February 11, 1909.
MALCOLM R. PATTERSON,
Governor.

(This Act was repealed by Chapter 398, Acts of 1909.)

IV.

(CHAPTER 34, ACTS OF 1909.)

AN ACT to be entitled An Act to amend an Act entitled An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upward, according to the Federal census of 1880, whose charters have been abolished, the same being Chapter 114 of the Acts of 1883, by providing certain salaries to be paid the members of the police force and fire departments of said cities, the same being Chapter 487 of the Acts of the General Assembly of 1903, by increasing the compensation of the Assistant Superintendent of Fire Alarm Signals from sixty dollars per month to eighty dollars per month.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of Chapter 487 of the Acts of the General Assembly of the State of Tennessee for the year 1903, passed March 30, 1903, and approved April 1, 1903, be, and the same is hereby, amended as follows: By striking out in said first section of said Act the words and figures, "Assistant Superintendent of Fire Alarm Signals, $60 per month," and by inserting in lieu thereof the following: "Assistant Superintendent of Fire Alarm Signals, $80 per month."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WM. KINNEY,
Speaker of the Senate.

Approved February 11, 1909.
MALCOLM R. PATTERSON,
Governor.

V.

(CHAPTER 47, ACTS OF 1909.)

A BILL to be entitled An Act to be entitled An Act to amend an Act entitled An Act to amend an Act entitled An Act to provide for the creation and organization, and defining the power of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished, being Chapter 114, Acts of 1883, and to repeal Sections 3, 7, 8, 9, 26, and 33 of said Chapter 114 of the Acts of 1883; and to repeal Sections 1 and 2 of Chapter 127 of the Acts of 1893, entitled An Act to amend Chapter 114 of the Acts of 1883, entitled An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards according to the Federal census of 1880; and to repeal Chapter 159 of the Acts of the General Assembly of 1891, being an Act entitled An Act to amend an Act to amend an Act entitled An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished, passed by the General Assembly of the State of Tennessee, March 21, 1883, and approved by the Governor, March 27, 1883, so as to provide for the eligibility of persons residing in the territory recently annexed to said municipal corporation to the office of Mayor and Councilmen; and to repeal Section 3 of Chapter 8 of the Acts of the General Assembly of 1893, entitled An Act to amend Chapter 114 of the Acts of the Assembly of 1883, entitled An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished, by providing for a Board of Education and fixing its powers and duties, passed by the General Assembly of the State of Tennessee, April 5, 1899, and approved by the Governor, April 12, 1899, so as to eliminate that provision of the sinking fund which requires that only bonds subject to call shall be retired, and at par, and that the balance in the treasury at the close of business on December 31 of each year shall be transferred to the sinking fund; the elimination of that clause which prohibits the council from passing a bill at any other than a regular meeting; the permission to embrace in the budget for any year the proceeds of bonds sold, even though it exceeds to this extent the actual collections for the preceding year; the granting to citizens of Davidson County the right to vote in city elections where they have owned property in the city for more than one year; and the changing of the name of the Board of Police and Fire Commissioners to that of "Civil Service Commissioners;" and placing the employees of the Waterworks and Lighting Departments of the city, except common laborers, under the supervision of said Commission, as to punishment and discharge for cause, passed March 28, 1901, and approved April 3, 1901, so as to place the Inspector of Marketing under the supervision of said Commission as to punishment and discharge for cause.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 10 of Chapter 26 of

the Acts of 1901, passed March 28, 1901, and approved April 3, 1901, be amended by adding thereto the following:

"*Provided, further,* That the duty and authority above conferred upon the Board of Civil Service Commissioners with reference to the Police, Fire, Waterworks, and Lighting Departments be, and the same is hereby, extended so as to include and embrace the office of Inspector of Marketing, and that said officer be placed under the supervision of said Board as to punishment and discharge for cause; that said officer shall not be punished or dismissed from office except after a trial and conviction by said Board in the form and manner and under the method of procedure above provided; and the said Board shall notify the Board of Public Works of any dismissal from office, and the Board of Public Works shall thereupon appoint some other suitable person to fill said vacancy."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1909.

WM. KINNEY,
Speaker of the Senate.
M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.

Approved February 11, 1909.

MALCOLM R. PATTERSON,
Governor.

VI.

(CHAPTER 55, ACTS OF 1909.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' and the various subsequent Acts amendatory thereof, the same being the charter of the city of Nashville, by requiring the Board of Public Works of the cities controlled by said Chapter 114 of the Acts of 1883 to fill vacancies in the Police and Fire Departments thereof from the list of substitutes of such departments in all cases where such vacancies occur."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 32 of Chapter 114 of the Acts of the General Assembly of 1883 be, and the same is hereby, amended as follows:

By adding at the end of said Section 32 the following: "*Provided, however,* that in all cases of vacancies in the Police and Fire Departments, whether by resignation, discharge, or in any other manner, it shall be the duty of such Board of Public Works to fill such vacancies from the list of substitutes of the Police and Fire Departments in all cases where there are such substitutes at the time any such vacancy or vacancies occur in such Police and Fire Departments." *Provided, further,* that the Board of Public Works shall have the sole right and authority to appoint the substitutes.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909. M. Hillsman Taylor,
Speaker of the House of Representatives.
Wm. Kinney.
Speaker of the Senate.

Approved February 13, 1909.
Malcolm R. Patterson,
Governor.

VII.

(Chapter 63, Acts of 1909.)

AN ACT to be entitled An Act to amend an Act entitled "An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished," the same being Chapter 114 of the Acts of the General Assembly of 1883, and the subsequent Acts amendatory thereof, constituting the charter of the city of Nashville, by authorizing the Mayor and City Council of said cities to use in its budget for any one year revenue carried in the budget for the preceding year, but not expended during such preceding year.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 114 of the Acts of the General Assembly of the State of Tennessee and the various Acts amendatory thereof, constituting the charter of the city of Nashville, be, and the same is hereby, amended as follows:

"It shall be lawful for the cities controlled by this Act to embrace in their budgets for any one year revenue carried in the budget for the preceding year, and which has not been expended during such preceding year: *pro-*

vided, however, that nothing herein contained shall authorize the corporate authorities of cities controlled by this Act from departing from their present plan of making their budgets, except as herein expressly authorized."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WM. KINNEY,
Speaker of the Senate.

Approved February 15, 1909.
MALCOLM R. PATTERSON,
Governor.

VIII.

(CHAPTER 64, ACTS OF 1909.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' passed by the General Assembly of the State of Tennessee, March 21, 1883, and approved by the Governor, March 27, 1883, and all subsequent Acts amendatory thereof, the same constituting the charter of the city of Nashville, so as to provide for the creation within said municipal corporations of a Humane Society Board of Commissioners, to fix the duties and powers of said Board, and to make provision for the raising of funds with which to enable said Board to carry out the duties invested in it by law."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 114 of the Acts of 1883, entitled "An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 inhabitants and upwards, according to the Federal census of 1880, whose charters have been abolished," and all Acts amendatory thereof, the same constituting the charter of the city of Nashville, be, and the same are hereby, amended so as to provide that within each of the municipal corporations controlled by said Chapter 114 of the Acts of 1883 there shall be a Humane Society Board of Commissioners, composed of five members, who shall have been bona-fide residents and citi-

zens of the city or town controlled by said Act at least three years prior to their appointment. The first members of said Board shall be appointed by the Mayor of said city on or before the first day of June, 1909, and shall hold office as follows: One for one year, one for two years, one for three years, one for four years, and one for five years; and in making the first appointments of said Commissioners herein provided for the Mayor shall designate the times for which his appointees shall hold their offices, respectively, and said appointments shall be confirmed and approved by a majority vote of the whole number of the City Council.

Upon a vacancy by resignation, death, expiration of a term of office, or otherwise, of any member, his successor shall be selected by the remaining members of said Humane Society Board of Commissioners, subject to the approval and confirmation by a majority vote of the whole number of the City Council. The term of office of the members of said Board, except as above prescribed for the first members thereof to be appointed by the Mayor, shall be for five years from the first day of June of the year such member was appointed and confirmed, or until his successor is selected and approved by the Council and has qualified for said office. No member of said Board shall receive any compensation for his services, and each member appointed or selected to serve upon said Board, before proceeding to enter upon the duties of his office, shall qualify by making oath or confirmation before the Recorder of such city as follows:

"I do solemnly swear that I will support the Constitution of the United States and of the State of Tennessee, and the charter of the city of Nashville, and will faithfully and impartially perform and discharge all duties imposed upon me by virtue of this office."

Each member of said Board shall, before entering upon the duties of his office, execute a bond, payable to the Mayor and City Council of Nashville, in the sum of five hundred dollars ($500), giving solvent sureties thereon, conditioned that he will faithfully perform all duties incumbent upon him by law as a member of said Board, and said bond shall be approved by the Mayor and filed with the City Recorder. The members of said Board shall immediately, upon their appointment and qualifi-

cation, as hereinbefore provided, organize by selecting one of their number as Chairman.

Said Board shall hold regular meetings at least once a month, and at such other times within the month as may be called by the Chairman of said Board.

SEC. 2. *Be it further enacted,* That said Humane Society Board of Commissioners is hereby authorized and empowered to acquire and hold the title to all property acquired by purchase, deed of gift, or otherwise, for the use of said Board; but the title to all such property shall be taken in the name of the Mayor and City Council of said municipal corporation, but to be held by it in strict trust for the uses of said Humane Society Board of Commissioners, and in strict accordance with the end and purposes for which the gift or dedication of such property was made to said Humane Society Board of Commissioners, and said property shall be exempt from State, county, and municipal taxation.

SEC. 3. *Be it further enacted,* That it shall be the duty of said Humane Society Board of Commissioners to diligently and vigorously observe the faithful execution of all ordinances, by-laws, and measures of such municipal corporations enacted for the purpose of prohibiting the cruel and inhuman treatment of children and animals, and for this purpose it shall be the duty of the Board of Public Works of cities controlled by Chapter 114 of the Acts of 1883 to provide three members of the metropolitan police force who shall be assigned to the Humane Society Board of Commissioners, and one of said members assigned shall act as Secretary for said Board, and who shall devote their entire time and attention to carrying out the orders of said Board and making arrests for the violation of all city ordinances prohibiting the cruel and inhuman treatment of children and animals, and the said police force of the cities controlled by Chapter 114 of the Acts of 1883 is hereby increased three men. The appointment of said three police force hereby assigned to the Humane Society Board of Commissioners shall be made by the Board of Public Works of such cities from a list of names submitted to it by a majority of the members of the Humane Society Board of Commissioners, and the compensation of said three police officers shall

be as now fixed by law for other members of the metropolitan police force of such cities.

Sec. 4. *Be it further enacted*, That said Humane Society Board of Commissioners shall have power to employ and pay such other persons as may be necessary for the efficient and satisfactory performance of its duties, except the three police officers provided for in the preceding section, and said Board is hereby authorized and empowered to confer upon its appointees full police power and authority for the purpose and making arrests for the violations of all city ordinances prohibiting the cruel and inhuman treatment of children and animals; and, in addition, each member of said Board of Commissioners is likewise invested with police power and authority to make arrests for the violation of all municipal ordinances, the cruel and inhuman treatment of children and animals. All fines collected in the City Courts of cities controlled by this Act, or on appeal therefrom in the Circuit Courts, shall be paid to the City Treasurer of said cities, and shall constitute a separate fund, and shall be carried to the credit of the Humane Society Board of Commissioners, and shall be used strictly and exclusively for the purposes of said Board. All donations or contributions made for the purpose of advancing the ends and objects to be attained by said Humane Society Board of Commissioners shall be paid to the City Treasurer of said cities and by him kept separate for the use of said Board, to be used strictly for the ends and objects for which said Board was created. Said Humane Society Board of Commissioners shall likewise submit to the City Council on or before September 1 of each year an itemized statement showing its financial needs for the coming year, and the City Council is hereby authorized and empowered to make provision in its annual levy of taxes for meeting the financial needs of said Board, and raising revenue for such purpose is hereby declared an ordinary purpose within the meaning of the charter of said cities providing for tax levies, and shall be so considered by said City Council. No money shall be drawn from the funds herein provided for the Humane Society Board of Commissioners except on vouchers drawn on said fund and signed by the Chairman of said Board and the Secretary thereof, and all

expenditures exceeding five hundred dollars ($500) shall only be made upon an ordinance, signed by the Chairman of said Board and passed by the City Council of said cities in the manner now provided by law for the passage of other ordinances.

SEC. 5. *Be it further enacted,* That the compensation of all employees of said Humane Society Board of Commissioners shall be at such amounts as said Board may determine and fix upon, except the compensation provided for the three extra policemen assigned to said Board and hereinbefore provided for, whose compensation shall be the same as that received by other members of the metropolitan police force.

SEC. 6. *Be it further enacted,* That it shall be the duty of said Humane Society Board of Commissioners to make quarterly reports to the City Council of such cities, which shall contain a full and detailed account of all their acts and doings, their recommendations for the enactment of such further ordinances as will subserve and advance the purposes for which said Board is created, together with a complete and itemized account of all receipts and disbursements.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WM. KINNEY,
Speaker of the Senate.

Approved February 15, 1909.
MALCOLM R. PATTERSON,
Governor.

IX.

(CHAPTER 196, ACTS OF 1909.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' same being Chapter 114 of the Acts of the General Assembly of 1883, passed March 21, 1883, and approved March 27, 1883, by providing in such cities controlled by said Act for Stock Raiders and Assistant Stock Raiders, fixing their compensation and prescribing their tenure of office."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 114 of the Acts of the General Assembly of the State of Tennessee for 1883, the same being the Act whose title is set forth in the caption of this Act, be, and the same is hereby, amended by providing as follows: "That in all of said cities controlled by said Chapter 114 of the Acts of 1883 there shall be at least two Stock Raiders and at least two Assistant Stock Raiders, whose duty it shall be to enforce all laws and ordinances prohibiting the straying of animals within the limits of said cities, and for this purpose the Stock Raiders and their assistants are hereby invested with police power. The compensation to be paid said Stock Raiders shall be each $900 per annum, payable monthly, and the compensation paid the Assistant Stock Raiders shall be each $780 per annum, payable monthly. Said Stock Raiders and their assistants shall be chosen and appointed by the Board of Public Works of said cities, and shall be removed by said Board, but only for cause and upon a trial and hearing, of which due notice shall be given to the Stock Raiders and their assistants when charges have been preferred against them; *provided, however,* that in all of said cities controlled by Chapter 114, where, at the date of the passage of this Act, the office of Stock Raiders exists and officers have been appointed to hold said office there, such officers shall continue to hold their office under the terms and provisions of this Act, and shall be removed only for cause as hereinabove prescribed.

SEC. 2. *Be it further enacted,* That this Act take effect

from and after its passage, the public welfare requiring it.

Passed March 6, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WILLIAM KINNEY,
Speaker of the Senate.

Approved April 23, 1909.
MALCOLM R. PATTERSON,
Governor.

X.

(CHAPTER 221, ACTS OF 1909.)

AN ACT to amend an Act entitled "An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished," being Chapter 114 of the Acts of the General Assembly of Tennessee for 1883, and which, together with sundry amendments thereto, constitute the charter of the city of Nashville, so as to provide that one of the members of the metropolitan police force of said city serving as Sanitary Inspector shall be designated as the "Sanitary Disinfector," and prescribing his compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 114 of the Acts of the General Assembly of the State of Tennessee for the year 1883, entitled "An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished," the same being, with sundry amendments thereto, the charter of the city of Nashville, be amended so as to provide that one of the members of the metropolitan police force of said city of Nashville serving as a Sanitary Inspector shall be designated as the "Sanitary Disinfector," and whose compensation shall be fixed at one hundred dollars ($100) per month. Said Sanitary Disinfector shall continue to be a member of the metropolitan police force, shall be appointed as other Sanitary Inspectors are appointed, and shall be governed by the same rules and regulations as govern other Sanitary Inspectors serving in the Health Department of said city of Nashville.

SEC. 2. *Be it further enacted*, That this Act take effect

from and after its passage, the public welfare requiring it.

Passed April 22, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WILLIAM KINNEY,
Speaker of the Senate.

Approved April 24, 1909.
MALCOLM R. PATTERSON,
Governor.

XI.

(CHAPTER 222, ACTS OF 1909.)

AN ACT to be entitled "An Act to amend an Act entitled An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished, being Chapter 114 of the Acts of 1883, and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville, by extending the provisions of the civil-service law to the City Prescriptionist and the Assistant City Prescriptionist of the City Board of Health, and by placing these two city officials under the civil service; and to provide that they shall not be removed, except for cause and in accordance with the rules and regulations governing all other city employees under civil service."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 114 of the Acts of the General Assembly of 1883 and the various subsequent Acts amendatory thereof, the same constituting the charter of the city of Nashville, be, and the same are hereby, amended so as to place the City Prescriptionist and the Assistant City Prescriptionist of the Board of Health of the city of Nashville under the civil-service rules and regulations, and said officials shall not be removed from their respective offices, except for cause and in accordance with the rules and regulations governing other city officials, who are now by law placed under civil service.

SEC. 2. *Be it further enacted,* That this Act take effect

from and after its passage, the public welfare requiring it.

Passed April 22, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WILLIAM KINNEY,
Speaker of the Senate.

Approved April 24, 1909.
MALCOLM R. PATTERSON,
Governor.

XII.

(CHAPTER 229, ACTS OF 1909.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' the same being Chapter 114 of the Acts of 1883, and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville, so as to provide that the budget for the ordinary and extraordinary expenses of the city government controlled by said Chapter 114 of the Acts of 1883, and the various subsequent Acts amendatory thereof, may exceed for the year 1909 to the extent of two hundred and fifty thousand dollars ($250,000), the amount of revenue actually collected by the city during the year 1908."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 114 of the Acts of the General Assembly of 1883, passed March 21, 1883, and approved March 27, 1883, and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville, be, and the same are hereby, amended so as to provide that the budget for the ordinary and extraordinary expenses of the city government controlled by said Act for the fiscal year beginning January 1, 1909, and ending December 31, 1909, may exceed to the extent of two hundred and fifty thousand dollars ($250,000) the amount of revenue actually collected through the year immediately preceding said fiscal year; *provided, however,* that it is not intended to in any way interfere with or change the operation of said Chapter 114 of the Acts of 1883 and the various subsequent Acts amendatory thereof other than for and during the fiscal year hereinbefore named.

SEC. 2. *Be it further enacted,* That this Act take effect

from and after its passage, the public welfare requiring it.

Passed April 22, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WM. KINNEY,
Speaker of the Senate.

Approved April 24, 1909.
MALCOLM R. PATTERSON,
Governor.

XIII.

(CHAPTER 261, ACTS OF 1909.)

AN ACT to amend an Act entitled "An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished," the same being Chapter 114 of the Acts of the General Assembly of 1883, and the various Acts amendatory thereof, constituting the charter of the city of Nashville, by providing for the election, term of office, and salary of the City Health Officer, and providing for his punishment and removal for cause, and repealing all laws or parts of laws in conflict with this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 13 of Chapter 240 of the Acts of the General Assembly for 1899, passed April 5, 1899, and approved April 12, 1899, be, and the same is hereby, amended so as to provide as follows:

"The Board of Health shall, in case of a vacancy in the office of City Health Officer, appoint his successor, who shall have been a bona-fide resident and a practicing physician in good standing of said city for at least five years immediately prior to the time of his appointment."

SEC. 2. *Be it further enacted*, That said Section 13 of said Act be further amended as follows:

"That from and after the passage of this Act the salary of the City Health Officer of cities controlled by this Act shall be twenty-five hundred dollars per annum, payable monthly."

SEC. 3. *Be it further enacted*, That said Section 13 be further amended by striking out the words, "And whose term of office shall be two years from the date of his election," and inserting in lieu thereof the following:

"That the power and authority conferred upon the

Board of Civil Service Commissioners be, and the same is hereby, extended so as to include and embrace the office of the City Health officer, said officer to be placed under the supervision of said Board as to punishment and discharge for cause; that said officer shall not be punished or dismissed from office, except after a trial and conviction by said Board in the manner provided by law. In event of a trial resulting in the punishment or dismissal of said Health Officer, said Board of Civil Service Commissioners shall notify the Board of Health thereof, who shall thereupon appoint some other suitable person to fill said vacancy temporarily, in case of punishment by suspension, or permanently, in case of punishment by dismissal."

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WILLIAM KINNEY,
Speaker of the Senate.

Approved April 27, 1909.
MALCOLM R. PATTERSON,
Governor.

XIV.

(CHAPTER 303, ACTS OF 1909.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' the same being Chapter 114 of the Acts of the General Assembly of 1883, passed March 21st 1883, and approved March 27th, 1883, and all subsequent Acts amendatory thereof, the same being the charter of the city of Nashville, by providing for the creation of a Board of Hospital Commissioners, defining their powers and duties; and by providing for and authorizing a special tax levy for carrying the purposes of this Act; and by providing for the creation of various offices in connection with the hospital, and defining the duties and powers of such offices."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in each of the cities controlled by Chapter 114 of the Acts of 1883 a Board to be

known as the "Board of Hospital Commissioners" is hereby created, said Board to consist of five (5) members, one of whom shall be a member of the City Council, who shall at the time of their election have been freeholders within the territory embraced within the corporate limits of said cities for five years prior to the time of their election, and none of whom shall be physicians or surgeons, but all of whom shall be non-medical men. The first election of said Commissioners shall be made by the City Council of such cities at the first regular meetings thereof after the passage of this Act, and the first Commissioners elected under and by virtue of this Act shall hold their office for terms of one, two, three, four, and five years, and their tenure of office shall be specified in the certificates of election issued to such Commissioners by the City Recorder of such cities. On the expiration of the terms of the first Commissioners as heretofore provided, their successors shall be elected by the City Council of such cities, and shall hold their offices for terms of two years from and after the date of their election and until their successors are elected and qualified. In case of any vacancy occurring in said Board of Hospital Commissioners by reason of death, removal, disability, or any other cause, such vacancy shall be filled by the City Council at its first regular meetings after it has been notified of the existence of such vacancy, and the person elected by the Council at such meeting shall hold for the remainder of the term for which his predecessor had been elected.

Before entering upon the performance of their duties as Hospital Commissioners, each and every member of said Board shall take and subscribe an oath before the City Recorder to the effect that he will support the Constitution of the United States and of the State of Tennessee, and will faithfully strive to obey and carry into effect the duties imposed upon him by this Act. Each Commissioner shall likewise, before entering upon the performance of his duties, execute a bond to the Mayor and City Council in the sum of one thousand dollars ($1,000), conditioned that he will faithfully and truly perform the duties imposed upon him by law. No compensation shall be received by any member of the Board of

Hospital Commissioners for any service performed by him as such Commissioner.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Board of Hospital Commissioners to exercise exclusive supervision, direction, and control over all public hospitals that may be erected, conducted, or maintained by the cities controlled by this Act, and to make all rules and regulations of a non-medical and non-surgical character for the regulation of such hospital or hospitals. Immediately upon their election by the City Council, said Board of Hospital Commissioners shall proceed at their first meeting to elect a Chairman of said Board and shall also at such first meeting elect a Superintendent and Surgeon for each of such public hospitals within such cities, whose tenure of office shall be during good behavior, and who shall be subject to removal by said Board for cause upon charges in writing being preferred against him and a hearing had thereon before said Board after due notice. Such Superintendent and Surgeon shall receive as his compensation the sum of twenty-five hundred dollars ($2,500) per annum, payable monthly, and shall likewise receive without expense to him his board, laundry, and quarters at such hospital where he shall reside during his term of service. He shall devote himself entirely to the performance of his public duties at such hospital or hospitals. The Superintendent and Surgeon shall be a physician of reputable standing in his profession, a graduate in medicine, of skill and culture, but shall not be connected in any way with the medical colleges of the city during his term of service, and shall have at least five years' experience in the practice of his profession prior to the date of his election, two years at least of which shall have been spent by him in some reputable hospital.

SEC. 3. *Be it further enacted,* That the Superintendent and Surgeon shall be superior to all other officers and employees at such hospital, except the Superintendent of Steward Department, who shall be under control of the Hospital Commission, and shall have power and authority to direct them in the performance of their duties, except as is herein otherwise expressly provided, and shall have power and authority to employ all nurses, attendants, and other hospital employees, except as herein oth-

erwise provided for, whose compensation shall be fixed by the Superintendent and Surgeon subject to the approval of the Board of Hospital Commissioners. All such nurses, attendants, and other hospital employees shall be subject to be discharged by the Superintendent for incompetency, inefficiency, neglect of duty, or for other cause; but the Superintendent shall in all such cases of discharge report his reason therefor in writing to the Board of Hospital Commissioners, and a copy of such report shall be preserved by the Secretary of said Board. The Secretary to the Mayor is hereby constituted Secretary to the Board of Hospital Commissioners, and shall keep accurate and proper accounts of the meetings of said Board, which shall be held at least once a month and at such other times during the month as the Chairman of said Board may see fit to call said Board in session.

Sec. 4. *Be it further enacted*, That there shall be a hospital staff composed of two branches, one of which branches shall be selected by the medical faculties of the Vanderbilt University, University of Tennessee, and the University of Nashville, of the city of Nashville, and the other branch shall be selected by a majority of the Board of Hospital Commissioners from the regular physicians and surgeons of such city who are not members of the medical faculties of any medical school or college in the city of Nashville. The members of the hospital staff shall serve for two years from and after the date of their selection by the medical faculties of the schools above named and by the Board of Hospital Commissioners. Upon the passage of this Act, the Board of Hospital Commissioners shall notify the secretaries of the medical faculties of the Vanderbilt University, University of Tennessee, and the University of Nashville to transmit to said Board the names of two members of each of said faculties who have been selected by said medical schools as its representatives on the hospital staff, and to the persons so selected the Board of Hospital Commissioners shall issue certificates of commission as members of such hospital staff; *provided, however,* that the medical faculties of the three schools above named may, if they so elect, rotate their representatives on said hospital staff every two months, and in such cases the secretaries of such

medical-school faculties shall notify the Board of Hospital Commissioners of such changes in their representation on the hospital staff, and such Board shall issue a certificate to such new representatives; but in no event shall more than two members of the medical faculty of any of the above-named medical schools serve on the staff at the same time. The other branch of the hospital staff as herein provided for shall be elected by the Board of Hospital Commissioners at their first regular meeting after the passage of this Act, and shall hold their offices for two years from and after their election and until their successors are elected and qualified. Each branch of the staff shall consist of six members, and each branch shall attend at the City Hospital for a period of six months each year. The terms of attendance of each branch of the staff shall be designated by the Board of Hospital Commissioners, but the branch of the staff selected by the faculties of the medical colleges hereinabove named shall be given, if possible, terms of attendance which shall cover as nearly as possible the sessions of the various medical schools located in the city of Nashville.

Any member of either branch of the staff who shall attempt in any manner to transfer to any other physician or surgeon, not a member of such staff, and not the Superintendent and Surgeon of such hospital, the performance of any duties resting upon him as a member of the staff shall forfeit his right to be a member of the staff, and shall not be eligible for service on such a staff at any future time.

The hospital staff shall have exclusive power and authority to make all rules and regulations of a medical and surgical character for the administration of the hospital or hospitals to which such staff is assigned for service, but all such rules and regulations before coming operative shall be approved by a majority of the Board of Hospital Commissioners, and said Hospital Commission shall have right to change said rules.

No member of the hospital staff shall receive any compensation for his services as such member.

The Board of Hospital Commissioners is hereby authorized and empowered to make all rules and regulations touching the attendance of members of the staff at the hospital and their duties while in such attendance.

Any member of the staff shall be subject to be removed by the Board of Hospital Commissioners at any time that to said Board may seem proper, but in such case of removal the successor of such removed member of the staff shall be selected from the faculties of the three medical colleges hereabove named or from the regular physicians and surgeons of the city who are not members of such medical faculties, in case such removed member belongs to one or the other of the two above-named classes.

Sec. 5. *Be it further enacted,* That it shall be the duty of the Superintendent and Surgeon to make monthly reports to the Board of Hospital Commissioners, which reports shall contain a full, accurate, and detailed account of all transactions at the hospital during such month, as the number of patients received, the number discharged, the expenditures made at the hospital during such month, as well such other information as the Board of Hospital Commissioners may by resolution require the Superintendent and Surgeon to set forth in such monthly reports.

Sec. 6. *Be it further enacted,* That there shall be a Superintendent of the Steward Department of the City Hospital, whose compensation shall be fifteen hundred dollars ($1,500) per annum, payable monthly, and who shall perform the duties of Steward as now fixed by ordinances of the city of Nashville, and such other duties of a non-medical character as may be required of him by the Hospital Commission; but in the performance of all of such duties the Steward shall be subject to the authority, direction, and control of the Hospital Commission. The office of Superintendent of Steward Department created by this Act shall be filled by the present Superintendent of the City Hospital as created by an ordinance of the city of Nashville, approved June 12th, 1903; and said Steward shall be subject to removal only under and in accordance with the rules of the Civil Service Commission of the city of Nashville, and said Superintendent of Steward Department shall live at the City Hospital and shall be provided living quarters by Hospital Commission.

Sec. 7. *Be it further enacted,* That there shall be four internes at the City Hospital, who shall be chosen as follows:

The winners of the founder's medals in the graduating

classes of each of the three medical colleges in the city of Nashville—to wit: Vanderbilt University, the University of Tennessee, and the University of Nashville, shall be certified yearly to the Board of Hospital Commissioners by the faculties of their respective colleges, and, upon such certificate being received, said Board of Hospital Commissioners shall commission said graduating students as internes for the City Hospital for the period of one year from and after the date of their appointment and commission. The fourth interne shall be chosen by the Superintendent and Surgeon of the hospital. *Provided, however,* that if the winners of the founder's medals or students receiving the highest grades in their respective medical colleges in the graduating classes thereof shall decline the appointment of internes at the City Hospital, then and in that event the student of such college or colleges receiving the next highest per cent in such graduating classes shall be certified by the faculties of such schools to the Board of Hospital Commissioners, and shall be commissioned and appointed for the period of one year, as heretofore provided. If such students should in turn decline appointments as internes, then said Board of Hospital Commissioners may appoint such internes for the period of one year, and in their appointments shall not be restricted to the graduating classes of the medical schools hereinabove named. The internes of the hospital shall be under the exclusive supervision, direction, and control of the Superintendent and Surgeon, and shall, if practicable, reside at the hospital, where they shall be furnished board and laundry free of charge, but they shall receive no compensation either from the Board of Hospital Commissioners or from patients at the hospital for their services as such internes. They shall perform such duties of a medical character as may be assigned to them by the Superintendent and Surgeon, and shall be subject to be removed and discharged by the Superintendent and Surgeon, who shall, however, in such cases, report in writing his reasons for such discharge or removal to the Board of Hospital Commissioners, and said Board may, if it sees proper, rehear such cases and determine whether or not such removals and discharges are justified; but an appeal as a matter of right shall not lie from the action of the Superintendent and Sur-

geon to the Board of Hospital Commissioners in such cases of discharge or removal.

Sec. 8. *Be it further enacted,* That it shall be the duty of the Board of Hospital Commissioners to submit to the City Council of such cities quarterly reports in writing, which shall set out in full the collections and disbursements made on account of the hospital during such quarter, and shall contain the monthly report made during such quarter by the Superintendent and Surgeon as hereinbefore provided for. All moneys collected from private and pay patients at the City Hospital, as well as from clinical fees charged the students of the various medical schools of the city of Nashville, as fixed by the rules and regulations of the Board of Hospital Commissioners, and all other revenue derived from the operation and conduct of the hospital, shall be paid to the City Treasurer of such cities, who shall keep the same separate from the other revenue of the city and to the credit of the Hospital Department. It shall be the duty of the Board of Hospital Commissioners in each year on or before the first of September to submit to the City Council its estimate of the amount of money required for the conduct and operation of the hospital during the succeeding year, and it shall be the duty of the City Council, before the first of January of each year, to agree upon and by ordinance provide for the annual budget of the Board of Hospital Commissioners. The City Council of such cities is hereby authorized and empowered to include in the annual levy of taxes for such city or town a special hospital tax of one-third of one mill on each dollar's worth of property assessed for city taxation, and the money thus levied shall constitute a special fund with which to operate the affairs of the hospital, as provided by this Act; *provided, however,* that the City Council shall have power to include in the yearly hospital budget sums of money over and above that realized from the special hospital tax herein authorized in the event such tax is levied and collected. The Board of Hospital Commissioners shall have exclusive power and authority to make all expenditures out of the moneys appropriated for the conduct and maintenance of the hospital as hereinabove provided, and such expenditures shall be made by vouchers, signed by the Chairman of said Board of

Hospital Commissioners, and, upon presentation to the Comptroller and Treasurer of the city, shall be paid by them and charged to the Hospital Department; *provided, however,* that if the Board of Hospital Commissioners so elect, they may by resolution authorize the Superintendent and Surgeon to make expenditures on account of the hospital which do not exceed the sum of fifty dollars ($50), and a detailed account of which expenditures shall be furnished by the Superintendent and Surgeon to the Board of Hospital Commissioners at their regular monthly meetings. When any expenditure, except for salaries, shall amount to five hundred dollars or more, it shall be the duty of the Board of Hospital Commissioners to prepare an ordinance, which shall be known as the ordinance of the Board of Hospital Commissioners, and to introduce the same in the City Council of such cities, which ordinance shall authorize sums of five hundred dollars or more to be spent on account of the hospital, and such ordinance shall be passed in accordance with the requirements of said cities regulating and governing the passage of ordinances. Any expenditure in excess of five hundred dollars made on account of the hospital or any liability or contract for any such expenditure, unless made as herein provided, shall be illegal and not binding on the Board of Hospital Commissioners; or if such sum has been paid, the same may be recovered from the person or persons receiving the same in all action to be instituted by the Mayor and City Council of Nashville.

SEC. 9. *Be it further enacted,* That all laws or parts of laws in conflict herewith be, and the same are hereby, repealed.

SEC. 10. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22nd, 1909.

WILLIAM KINNEY,
Speaker of the Senate.
M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.

Approved April 27, 1909.

MALCOLM R. PATTERSON,
Governor.

XV.

(CHAPTER 345, ACTS OF 1909.)

AN ACT to amend an Act entitled "An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished," passed by the General Assembly of the State of Tennessee, March 21st, 1883, and approved by the Governor, March 27th, 1883, and all Acts amendatory thereof, so as to empower and enable said municipal corporations to create, maintain, and control a system of public parks, and to provide for a Board of Park Commissioners, and to fix and define its powers and duties, passed by the General Assembly of the State of Tennessee, March 27th, 1901, and approved by the Governor, April 3rd, 1901, it being Chapter 117 of the Acts of 1901, so as to increase the amount of the special tax that may be levied by the City Council for park purposes, and make it the duty of the City Council to make such special levy to meet the expenses provided for in the budget of the Park Commissioners, and to extend the authority of the Board of Park Commissioners as to expenditures for park purposes within the amount of such special tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 117 of the Acts of 1901, entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished, passed by the General Assembly of the State of Tennessee, March 21, 1883, and approved by the Governor, March 27th, 1883, and all Acts amendatory thereof, so as to empower and enable said municipal corporations to create, maintain, and control a system of public parks, and to provide for a Board of Park Commissioners, and to fix and define its powers and duties,'" be amended by striking out Section 5 thereof and inserting in lieu the following:

"That the Board of Park Commissioners shall have exclusive power to employ and pay such superintendents, employees, and other persons as it may deem necessary for maintaining, improving, and controlling all park property; and it shall have authority to make any other expenditures for park purposes within the amount of the special tax hereinafter provided for. Said Board of Park Commissioners shall, each year prior to the making of the annual levy by the City Council, prepare and sub-

mit to the Council an estimate of the amount of money which will be required for the purchase, maintenance, and improvement of park property for the succeeding year, beginning January 1st, which estimate shall set forth the items of expense as accurately as possible; and it shall be the duty of the City Council, and it is hereby authorized, in its annual levy of taxes, to make such special levy for park purposes, separate and distinct from its levy for ordinary municipal purposes, a tax not less than one cent nor more than five cents on the one hundred dollars of the value for assessment within said city as shall be necessary to meet the expenditures contemplated in said estimate of the Board of Park Commissioners; and the amount so levied shall be collected and carried to the credit of the Board of Park Commissioners, and shall not be diverted therefrom, and the same shall remain a separate and distinct park fund in the hands of the Treasurer of the city. All expenditures on account of this fund shall be made upon vouchers, approved by the Park Commissioners, through its Chairman and Secretary, which vouchers shall, when accompanied by detailed statements of such expenditures, be payable on presentation to the revenue office of the city; *provided, however,* that it shall be the duty of the Board of Park Commissioners to appropriate the first funds raised under the special levy herein authorized to the acquisition of park sites in North, East, and South Nashville, at such places as the Board may select and agree on, and the preparing of such sites for public parks.

SEC. 2. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 28th, 1909.

WM. KINNEY,
Speaker of the Senate.
M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.

Approved April 30, 1909.

MALCOLM R. PATTERSON,
Governor.

XVI.

(Chapter 367, Acts of 1909.)

AN ACT to repeal an Act entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' the same being Chapter 114 of the Acts of 1883, by providing for the grading, guttering, paving, graveling, or macadamizing of any of the streets, highways, avenues, or alleys within the corporate limits of such cities, and assessing two-thirds of the total cost of said improvements upon the lands or lots abutting upon said streets, highways, avenues, or alleys, and for paying for said improvements, and for authorizing such cities to issue certificates to pay for the same, and for the redemption of such certificates," the Act hereby repealed being Chapter 482 of the Acts of the General Assembly of 1907.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 482 of the Acts of the General Assembly of 1907, being the Act whose title is set forth in the caption hereof, the same being known as the "Local Abutting Property Law of the City of Nashville," be, and the same is hereby, repealed.

Sec. 2 *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 27th, 1909.

Wm. Kinney,
Speaker of the Senate.
M. Hillsman Taylor,
Speaker of the House of Representatives.

Approved April 30, 1909.

Malcolm R. Patterson,
Governor.

XVII.

(CHAPTER 397, ACTS OF 1909.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished,' the same being Chapter 114 of the Acts of 1883, passed March 21st, 1883, and approved March 27th, 1883, and the various subsequent Acts amendatory thereof, all constituting the charter of the city of Nashville, by providing that the revenue which has accrued during the years 1907 and 1908, and which has been carried in the budgets of such cities for 1908 and 1909, amounting to the sum of approximately $121,807.52, which sum has been raised under and by virtue of the special tax levy made by authority of and in accordance with the provisions of the local abutting property law of cities controlled by said Chapter 114 of the Acts of 1883, said local abutting property law being Chapter 482 of the Acts of the General Assembly of 1907, shall be used exclusively for the purpose of constructing and improving streets in those parts of the city of Nashville which were annexed to such city by Chapter 333 of the Acts of the General Assembly of 1905, Chapter 80 of the Acts of the General Assembly of 1907, Chapter 119 of the Acts of the General Assembly of 1907, and Chapter 124 of the Acts of the General Assembly of 1907; and by providing that the cost of the construction and improving such streets shall be paid entirely out of the revenue which has accrued under such local abutting property law, and that two-thirds of the cost of the same shall not be assessed upon the abutting property owners; and by further providing the method by which such money shall be spent for such purposes by the proper corporate officials of the cities controlled by said Act; and by fixing the minimum amount that shall be so appropriated and used for such purposes during each month until the said sum of approximately $121,807.52 is exhausted."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the revenue which has accrued during the years 1907 and 1908 under the special tax levy authorized by the local abutting property law of cities organized and controlled by Chapter 114 of the Acts of the General Assembly of 1883 and the various subsequent Acts amendatory thereof, and which revenue has been carried in the budgets of such cities for 1908 and 1909, the same amounting to approximately one hundred and twenty-one thousand eight hundred seven dollars and fifty-two cents ($121,807.52), shall be used exclusively for the purpose of constructing and improving suburban streets in those parts of the city of Nashville which were annexed to said city by Chapter 333 of the Acts of the General Assembly of 1905, Chapter 80 of the

Acts of the General Assembly of 1907, Chapter 119 of the Acts of the General Assembly of 1907, and Chapter 124 of the Acts of the General Assembly of 1907.

SEC. 2. *Be it further enacted,* That the above-stated sum which has accrued under the special tax levy authorized by said local abutting property law for 1907 and 1908 and carried in the budgets of such cities for 1908 and 1909 shall be used by the proper corporate officials of such cities for the purpose of constructing and improving suburban streets in the territory annexed to such cities by the various Acts of the General Assembly named in the first section hereof; *provided, however,* that the entire cost of constructing or improving such streets shall be paid out of such accumulated revenue, and no part of the expense of constructing or improving such streets shall be borne by the local abutting property owners.

SEC. 3. *Be it further enacted,* That the said sum of approximately $121,807.52 shall be available for expenditures by the proper corporate officials immediately upon the passage of this Act, and the said officials shall proceed forthwith to construct and improve streets in such annexed territory out of such fund in accordance with the charter of the city of Nashville regulating the manner of making expenditures for public purposes—that is to say, all that shall be necessary to authorize expenditures out of this fund shall be for the Board of Public Works of such cities to introduce in the City Councils thereof bills of the Board of Public Works when the amount of any improvement is in excess of five hundred dollars ($500), and upon the passage of such ordinance in such cases the Board of Public Works is hereby directed and commanded immediately to let contracts for such improvements and to push the same to a speedy conclusion.

SEC. 4. *Be it further enacted,* That upon the passage of this Act, it shall be the duty of the Board of Public Works of such cities, and they are hereby directed and commanded, to cause appropriation ordinances for the purpose of constructing and improving streets in such annexed territory out of the accumulated local abutting property law fund as hereinabove provided to be introduced at each regular meeting of the City Council of such

cities, and such appropriations shall amount to at least five thousand dollars ($5,000) for each regular meeting of the City Council.

Upon the passage of such appropriation bills, introduced as herein required, the Board of Public Works shall immediately and forthwith proceed to let contracts for such work in accordance with the provision of the charter of such city, or, if the Board so elects, to cause such work to be done by the city's street department; but in either event the work shall be undertaken as soon as the appropriations for such purpose are made as herein provided, and shall be speedily accomplished and performed. It being the intention of this Act to cause the sum hereinabove named and which has accumulated under and by virtue of the special levy authorized by the local abutting property law for the years 1907 and 1908, as carried in the budgets of such city for 1908 and 1909, to be speedily used for the purpose of giving better streets to the residents and citizens of such city who are located in the territory annexed thereto by the various annexation Acts herein named; *provided, however,* that the Board of Public Works shall not be required to introduce appropriation bills in the City Council in the amounts hereinabove named until the first regular meeting of the City Council in July of 1909; but, beginning with such meeting, said Board shall thereafter at each regular meeting of the City Council introduce appropriation bills of the amount hereinabove named and for the purpose of constructing or improving streets in the territory annexed to the city of Nashville by the various annexation Acts hereinabove named until the entire sum of approximately $121,807.52 is exhausted.

SEC. 5. *Be it further enacted,* That it shall not be obligatory upon the Board of Public Works of such cities to spend any of the revenue which has accumulated under the local abutting property law, as hereinabove provided, and for the purposes, and in those parts of the city hereinabove specified, unless the abutting property owners on such streets, or, in case there is no street, where it is proposed to construct a street, will agree in writing to release the Mayor and City Council of Nashville from any damages that may be caused to their property by reason of changing the grade of such streets, and will

further release the city of Nashville from any damage that may be caused their property by reason of surface water being thrown upon their property as a result of the construction or improvement of such street or streets.

Sec. 6. *Be it further enacted*, That it shall not be obligatory upon the Board of Public Works of such cities to construct or improve streets in the territory herein provided for and out of the revenue herein appropriated for such purposes unless persons who will be affected by the increased flow of surface water incident to the construction or improvement of such streets will in writing release the Mayor and City Council of Nashville from all damages that may be caused to their property by reason of such increased flow of surface water as incident to the improvement or construction of such streets.

Sec. 7. *Be it further enacted*, That it shall not be obligatory upon the Board of Public Works of such cities to construct or improve streets in the territory hereinabove specified and out of the special fund hereinabove named unless the abutting owners on both sides of such street or streets will agree in writing with the Board of Public Works that they will contemporaneously with the construction or improvement of such street or streets, commence the laying of sidewalks of such material and in such mode and manner as the Board of Public Works may specify in front of their respective abutting property, the cost of construction of such sidewalks to be paid for and borne by such abutting property owners.

Sec. 8. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 27, 1909. M. Hillsman Taylor,
Speaker of the House of Representatives.
Wm. Kinney,
Speaker of the Senate.

Approved April 30, 1909.
Malcolm R. Patterson,
Governor.

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XVIII.

(CHAPTER 398, ACTS OF 1909.)

AN ACT to repeal an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the Federal census of 1880, whose charters have been abolished," the same being Chapter 114 of the Acts of the General Assembly of 1883, by providing for the grading, guttering, paving, graveling, or macadamizing of any of the streets, highways, avenues, or alleys within the corporate limits of such cities; and assessing two-thirds of the total cost of said improvements upon the lands or lots abutting on said streets, highways, avenues, or alleys, and for paying for said improvements, and for authorizing such cities to issue certificates to pay for the same, and for the redemption of said certificates,' the same being Chapter 482 of the Acts of the General Assembly of 1907, by providing that the revenue which has accrued during the years 1907 and 1908, by virtue of the special levy of taxes authorized by Section 23 of said Chapter 482 of the Acts of the General Assembly of 1907, shall be used exclusively by the proper city officials for the purpose of improving or constructing suburban streets in those parts of the city of Nashville which were annexed to said city by Chapter 333 of the Acts of the General Assembly of 1905, Chapter 80 of the Acts of the General Assembly of 1907, Chapter 119 of the Acts of the General Assembly of 1907, and Chapter 124 of the Acts of the General Assembly of 1907."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act amending Chapter 482 of the Acts of the General Assembly of 1907 by providing for the expenditure of the revenue which has accrued under said Chapter 482 of the Acts of the General Assembly of 1907 for constructing and improving streets in those parts of the city of Nashville which were annexed thereto by Chapter 333 of the Acts of 1905 and various other annexation Acts, the same being the Act whose title is set forth in the title hereof, and which Act was passed February 9th, 1909, and approved February 11th, 1909, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 27, 1909.

M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.

WM. KINNEY,
Speaker of the Senate.

Approved April 30, 1909.

MALCOLM R. PATTERSON,
Governor.

XIX.

(Chapter 465, Acts of 1909.)

AN ACT to be entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upward, according to the Federal census of 1880, whose charters have been abolished, passed March 21st, 1883, and approved March 27th, 1883,' the same being the charter of the city of Nashville, by providing that the Judge of the City Court of cities controlled by said Act shall in all cases which are made crimes by the laws of the State turn over to the Sheriff of the county in which such cities are located all prisoners brought before them who are charged with an offense which is made a crime by the laws of the State, even though such offense may likewise be in violation of the municipal ordinances of such cities; and in such cases such prisoners shall be turned over to the Sheriff without being fined or imprisoned by the Judge of the City Court."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cities organized under and controlled by Chapter 114 of the Acts of the General Assembly of 1883, the same being the Act whose title is set forth in the caption hereof, it shall be the duty of the Judge of the City Court in all cases where prisoners are brought before him who are guilty of a violation of the criminal laws of the State, as well as of the municipal ordinances of such city, to turn over such offenders immediately and forthwith to the Sheriff of the county in which such city is located, and not to fine and imprison for failure to pay such fine for the violation of such municipal ordinances. It is the intention of this Act to enable and authorize the Sheriff of such counties in which such cities are located to immediately and at once bring such offenders before the grand jury, there to be proceeded with as any other criminal cases, and not be delayed until such offenders have worked out a workhouse sentence imposed by the Judge of the City Court for the violation of municipal ordinances; *provided, however*, that nothing herein contained shall authorize the Sheriff of any county in which such city is located to remove from the custody of the Judge of the City Court any person arraigned before such court charged with the violation of a municipal ordinance, except and only in such cases where the violation of the municipal ordinance is

based on facts which likewise constitute a violation of the criminal laws of the State of Tennessee.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 27, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WM. KINNEY,
Speaker of the Senate.

Approved April 30, 1909.
MALCOLM R. PATTERSON,
Governor.

XX.

(CHAPTER 477, ACTS OF 1909.)

A BILL to be entitled An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upward, according to the Federal census of 1880, whose charters have been abolished,' the same being Chapter 114 of the Acts of 1883," by providing certain salaries to be paid the members of the police force and fire department of said cities by conferring upon the City Council of such cities the power to increase the compensation of such policemen and firemen.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 487 of the Acts of the General Assembly of 1903 be, and the same is hereby, amended by adding at the end of Section 1 thereof the following:

"*Provided,* that the City Council of such cities shall have power by ordinance at any time to increase the compensation of members of the police force and fire departments as fixed herein."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 27, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WM. KINNEY,
Speaker of the Senate.

Approved April 30, 1909.
MALCOLM R. PATTERSON,
Governor.

XXI.

(CHAPTER 515, ACTS OF 1909.)

AN ACT to amend an Act entitled "An Act to provide for the creation and organization, and defining the powers of municipal corporations, embracing territories of cities having a population of thirty-six thousand and upward, according to the census of 1880, whose charters have been abolished," passed by the General Assembly of Tennessee, March 21st, 1883, and approved by the Governor, March 27th, 1883, being Chapter 114 of the Acts of 1883, so as to permit, authorize, and require the Mayor and City Council of cities controlled by said Act to levy a special assessment on the taxable properties of said municipalities of one mill on the dollar for the purpose of purchasing from the State property known as the Capitol Annex, and for opening and constructing a boulevard or street through the same, said levy to continue for three years.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 114 of the Acts of the General Assembly of 1883 be, and is hereby, so amended as to authorize, empower, and require the Mayor and City Council of municipalities controlled by this Act to levy a special assessment on the taxable properties of said municipalities of one mill on the dollar for three years for the purpose of purchasing from the State of Tennessee property known as the Capitol Annex, located on the south side of Cedar Street and fronting about 126 1-2 feet thereon, and for opening and constructing a boulevard through said property.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed May 1, 1909.

M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.

WM. KINNEY,
Speaker of the Senate.

Approved May 1, 1909.

MALCOLM R. PATTERSON,
Governor.

B.

ACTS OF THE GENERAL ASSEMBLY OF 1909, EXTENDING THE CORPORATION LIMITS OF NASHVILLE.

I.

(Chapter 28, Acts of 1909.)

AN ACT to be entitled "An Act to extend the corporate limits of the city of Nashville, Tenn."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the city of Nashville, Tenn, be extended as follows:

Beginning at the present corporation line in the center of the Louisville and Nashville Railroad and the south line of the first alley south of and parallel to Humphreys Street; thence along the south line of said alley east to a point one hundred and seventy-nine (179) feet east of the east line of Hagan Street, said point being the intersection of the south line of the above-described alley with the east line of the first alley east of and parallel to said Hagan Street; thence south along the east line of the last-named alley six hundred and sixty-four (664) feet to the south line of Merritt Avenue as now opened; thence along the south line of Merritt Avenue west to the line of the Louisville and Nashville Railroad, the present corporation line; thence along the Louisville and Nashville Railroad north to the beginning.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 9, 1909. M. Hillsman Taylor,
Speaker of the House of Representatives.
Wm. Kinney,
Speaker of the Senate.

Approved February 11, 1909.
Malcolm R. Patterson,
Governor.

II.

(Chapter 237, Acts of 1909.)

AN ACT to extend the corporate limits of the city of Nashville, Tenn.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the city of Nashville, Tenn., be extended as follows: Beginning at a point on the east side of Avondale Avenue at the present corporation line, running thence with the east margin of Avondale Avenue to the center of Overall Street; thence east with the center of Overall Street to an alley running between Baxter Avenue, or Eighteenth Avenue, and Nineteenth Avenue; thence with the center of said alley southward along the dividing line between Lots 51 and 52 in Blair's First Subdivision of Belmont Heights, to a point 25 feet south of Blair Avenue; thence westwardly parallel with Blair Avenue to the center of Twentieth Avenue; thence with the center of Twentieth Avenue northwardly to the center of Overall Street; thence eastwardly with the center of Overall Street to a point in the center of said Overall Street, in line with the western margin of Avondale Avenue; thence northwardly with the west line of Avondale Avenue to the present city line.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1909.

M. Hillsman Taylor,
Speaker of the House of Representatives.

Wm. Kinney,
Speaker of the Senate.

Approved April 26, 1909.

Malcolm R. Patterson,
Governor.

C.

ACTS OF THE GENERAL ASSEMBLY OF 1909, ENABLING THE CITY OF NASHVILLE TO ISSUE BONDS.

I.

(Chapter 478, Acts of 1909.)

AN ACT to authorize the Mayor and City Council of Nashville, a municipality organized under an Act of the General Assembly, passed March 21st, 1883, and approved March 27th, 1883, being Chapter 114 of the Acts of 1883, to issue bonds for the purpose of constructing trunk sewers in the city of Nashville.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and City Council of Nashville, a municipality organized under the Acts of the General Assembly of the State of Tennessee, being Chapter 114 of the Acts of 1883, is hereby authorized in its corporate capacity and under the provisions of the Act referred to and subsequent amendments thereto, to issue bonds of the said city, signed by the Mayor and countersigned by the Recorder, with semi-annual interest coupons attached, which shall be signed by the Treasurer of said city, to an amount not exceeding five hundred thousand dollars ($500,000).

Sec. 2. *Be it further provided,* That the bonds herein provided for may be executed in denominations from one hundred dollars ($100) to one thousand dollars ($1,000), and they shall mature and be redeemable at such time within thirty (30) years as may be prescribed by the corporate ordinance authorizing the issuance of said bonds. Said bonds shall bear a rate of interest not exceeding six (6) per cent per annum, payable semi-annually.

Sec. 3. *Be it further enacted,* That said issuance of five hundred thousand dollars ($500,000) bonds shall be known as "Trunk Sewer Bonds," the proceeds of which shall be used exclusively for the purpose of constructing trunk

sewers by the corporate authorities of the city of Nashville.

Sec. 4. *Be it further enacted,* That none of the bonds hereinabove authorized shall be issued for any purpose without the passage of an ordinance through the City Council, approved by the Mayor, specifying the purpose for which said bonds are asked to be issued and directing an election to be held by the qualified voters of the city of Nashville "For" or "Against" the issuance of said bonds as provided by the charter of said city, said election to be held in conformity with said charter and under the general election laws controlling the holding of elections in the city of Nashville.

Sec. 5. *Be it further enacted,* That none of said bonds to be issued by this Act shall be sold, exchanged, or in any manner disposed of for less than their par or face value.

Sec. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed May 1st, 1909.

Wm. Kinney,
Speaker of the Senate.
M. Hillsman Taylor,
Speaker of the House of Representatives.

Approved May 1, 1909.

Malcolm R. Patterson,
Governor.

D.

MISCELLANEOUS ACTS OF THE GENERAL ASSEMBLY OF 1909, RELATING TO THE CITY OF NASHVILLE.

I.

(Chapter 153, Acts of 1909.)

AN ACT to regulate, in cities of more than 75,000 inhabitants, according to the Federal census of 1900 or any subsequent census, the licensing of persons, firms, and corporations conducting or managing a business for installing any wires or electrical apparatus to convey electrical current for light, heat, or power; and to provide for a Board of Electrical Examiners and Supervisors for said purpose; and to prevent the doing of such electrical work by persons, firms, or corporations other than those licensed in accordance with the provisions of this Act; and to provide a penalty for the violation thereof.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That within thirty days after the passage of this Act the Governor shall appoint in each city in the State of Tennessee of more than 75,000 inhabitants according to the Federal census of 1900 or any subsequent census a board which shall be known as the "Board of Electrical Examiners and Supervisors," consisting of three persons, for the purpose of examining into the qualifications and capabilities of master electricians, as defined by Section 5 of this Act. The members of said Board so appointed shall be competent, practical electricians, one of whom shall be nominated by the oldest existing association of electrical contractors in the city of his appointment; and if no such association exists, then he shall be a contracting electrician, who has been publicly engaged in such business in the city of his appointment for at least three years prior to the date of his appointment, the second to be nominated by the Chief of the Fire Department, and the third by the local association of Fire Underwriters, if any such association exists

in the town where the appointment is to be made; and if no such association is in existence, then the third member to be appointed upon the nomination of the two members hereinbefore designated. The term of each member shall be one year from date of appointment. Should any vacancy occur from any cause during the term of any Board as herein provided, the Governor shall appoint some one from nominations made, as above provided, to fill such vacancy, and this in such manner that the various Boards shall continue to be constituted as herein provided.

The Governor shall have full power to remove any member of the Board for incompetency or improper conduct upon satisfactory evidence thereof being presented to him.

Sec. 2. *Be it further enacted,* That the members of said Board shall respectively take and subscribe the oath required of State officers.

They shall have the power to elect out of their number a President, a Secretary, and a Treasurer; to adopt such rules and by-laws for the transaction of the business of the Board as they may deem expedient.

Sec. 3. *Be it further enacted,* That each member of said Board shall receive a compensation of five dollars ($5) per day for actual services in attending meetings of the Board, which compensation shall be paid out of the moneys in the hands of the Treasurer of said Board. provided that the Secretary of said Board may receive such additional compensation as the Board may deem just and reasonable, and for which the by-laws of the said Board may provide. In no event, however, shall the compensation of the members of the said Board, or of their Secretaries, be paid out of the funds in the State treasury, or become a charge against the State; but the compensation of all members of said Board, including the Secretary, shall be paid out of the fees collected by said Board under the provisions of this Act.

Sec. 4. *Be it further enacted,* That said Boards shall meet at least once each month in their respective domiciles, and shall hold special meetings as frequently as the proper and efficient discharge of their business shall require; and each Board shall adopt rules and regulations for the examination of master electricians, as here-

in defined, and, when so adopted, such rules and regulations shall have the same force and effect as if herein contained; and the rules of said Board shall also provide for the giving of timely notice of such meetings to all those who shall have made application for a license, as herein provided; and said Board shall give in writing to the respective cities, or to any officer designated by the legislative council thereof, a detailed statement of all licenses issued, renewed, or revoked at any meeting of said Board. A majority of its members shall organize each of said Boards and constitute a quorum for the transaction of its business.

SEC. 5. *Be it further enacted,* That the term "master electrician," as used in this Act, shall be so defined as to include any and all persons, firms, and corporations engaged in the business of or holding themselves out to the public as engaged in the business of installing, erecting, or repairing, or contracting to install, erect, or repair electric wires or conductors to be used for the transmission of electric current for electric-light, heat, or power purposes, or moldings, ducts, raceways, or conduits, together with fittings for same, for the reception or protection of such wires or conductors, or to electrically connect electric wires or conductors together or to any electrical machinery, apparatus, device, or fixtures to be used for electric-light, heat, or power purposes.

A license of master electrician issued or granted under and in accordance with the provision of this Act shall entitle any such person, firm, or corporation so licensed to engage in the business of installing, erecting, and repairing, and of contracting to install, erect, and repair any electric wires or conductors to be used for the transmission of electric current for electric-light, heat, or power purposes, and any moldings, ducts, raceways, and conduits, together with fittings for same, to be used for the reception and protection of such wires and conductors, and to electrically connect such electric wires or conductors together, and to any apparatus, devices, fittings, or fixtures to be used for electric-light, heat, or power purposes.

SEC. 6. *Be it further enacted,* That before any person, firm, or corporation shall hereafter engage in the business of a master electrician, as defined in Section 5 of this

Act, and before any person, firm, or corporation now so engaged in said business or any branch or class thereof shall continue in said business of master electrician, such person, firm, or corporation shall apply to said Board for a license to practice as master electrician; and the applicant, if a person, or, if a corporation, one of the officers or a representative and agent thereof, to be designated by said corporation, or, if a firm, one of the members thereof shall present himself before the said Board at a time and place fixed by the said Board. If the Board shall find, upon due examination, that the applicant presenting himself is of good moral character, has a satisfactory knowledge of electricity, and the natural laws appertaining to and governing the same, and of the use and function of electric wires, appliances, and devices for electric-light, heat, and power purposes, and is possessed of skill and knowledge in all matters pertaining to the business of a master electrician, as defined in Section 5 of this Act, the said Board, upon payment of the fee, and upon giving bond, hereinafter provided for, shall issue to the said person, firm, or corporation a license as master electrician to practice said business for a term of one (1) year, and shall register such person, firm, or corporation as duly licensed master electrician; *provided*, that no license shall be granted to any person who has not taken and subscribed an oath that he, or, in case of a corporation, one of the principal officers or the representative and agent thereof, and, in case of a firm, one of the members thereof, has had at least three (3) years' actual experience as a master electrician, within the terms of this Act, or as an electrical workman in such class or classes of electrical business or work as, in the opinion of the Board, shall have properly fitted the applicant for a license as master electrician; *provided, further,* that each applicant, at the time of filing his, their, or its application, shall pay to the Secretary of said State Board of Electrical Examiners the sum of twenty-five dollars ($25); and, *provided, moreover,* that every person, firm, or corporation, before receiving a license, shall make, execute, and deliver a bond to the State of Tennessee in the full sum of twenty-five hundred dollars ($2,500), with sufficient surety or sureties, to be approved and filed with the said Boards, the bond to save harmless the owner or real

party in interest in the property for which any such material is furnished or service performed against loss or damages which shall arise by reason of the work done or material furnished being in violation of and below the standard of the current edition of the National Electric Code; but action can be maintained thereon in the name of such owner or real party in interest only, if composed within one (1) year from and after the date of the installation of the materials furnished or performance of such work or service.

When, however, the material furnished, or work done, or service performed, shall have been inspected, and a written or printed certificate of approval issued by a legally authorized City Electrical Inspector, then the said master electrician shall be considered as having fulfilled the requirements of this Act, and his responsibility shall cease under the above bond for materials furnished and work or service performed.

SEC. 7. *Be it further enacted,* That all persons, firms, or corporations that at the time of the enactment of this Act are engaged in the business which shall be hereafter known as the business of a "master electrician," as described in Section 5 of this Act, shall, within sixty days after the passage of this Act, comply with all the provisions of Section 6 of this Act, or such persons, firms, or corporations shall, within sixty (60) days after the passage of this Act, cease to do the work which shall be hereafter known as that of a "master electrician," as described in Section 5; otherwise he, they, or it shall be guilty of a misdemeanor, and, on conviction, suffer the fines and penalties as set forth in Section 14 of this Act.

SEC. 8. *Be it further enacted,* That each and every license issued under the provisions of this Act shall be signed by the President and Secretary of the Board and attested with its seal, and said license so signed and attested for a period of one year shall be evidence in any court in the State of the business for which the license is issued. All licenses and renewals of same shall expire on the first day of January of each year.

SEC. 9. *Be it further enacted,* That no person, firm, or corporation granted a license under the provisions of this Act shall continue in the business of installing or repairing electrical wires, conductors, or apparatus for

electric-light, heat, or power purposes after the expiration of said license unless the said license or extension of same shall have been renewed, as hereinafter provided. Upon payment of a fee of ten dollars ($10), any person, firm, or corporation granted a license under the provisions of this Act (unless the said license shall have been revoked, as hereinafter enacted) shall be granted a renewal of said license without examination of the applicant, if application therefor is made either in person or in writing to the said Board by the holder of such license within the three months preceding the expiration of such license upon payment of a fee of ten dollars ($10); and the said renewals of said license shall be made for a period of one (1) year, and shall be signed and attested as required for such original license; and any such renewal of such license so signed and attested shall have the same weight as evidence in any court in this State as is hereinbefore accorded said original license; *provided, also,* that, *further*, one-year renewals shall be granted in like manner upon expiration of any renewal of license upon making application and paying a like fee within three months preceding the expiration of such renewal, in the same manner as provided for the first renewal.

SEC. 10. *Be it further enacted,* That after a full hearing of all parties in interest said Board shall have power to revoke, for proper cause, any license or renewal of same granted by the same Board.

SEC. 11. *Be it further enacted,* That each and every license and renewal of same shall be in force and effect only so long as an approved bond, filed with the said Board in accordance with the provisions of Section 6 of this Act, shall remain in force; and every such license or renewal of same shall become void by the termination of said bond, regardless of the regular date of expiration of the said certificate, license, or renewal.

SEC. 12. *Be it further enacted,* That any and all persons or corporations granted a license or renewal thereof in accordance with the provisions of this Act shall display the same in a conspicuous place in the office or place of business of the person, firm, or corporation to which it was issued.

SEC. 13. *Be it further enacted,* That nothing in this Act shall be so construed as to prevent any person from do-

ing or performing any of the kinds of work enumerated in Section 5 of this Act, when such work is performed under the direction and supervision of a duly licensed master electrician; but no work other than minor electric repairs for the maintenance of established plants shall be performed, excepting under such direction and supervision of a duly licensed master electrician, and the said licensed master electrician shall be responsible for any work and all work so done under his direction and supervision. This shall be construed as exempting lighting companies and electric railway companies from the provisions of this Act, in so far as the maintenance and installation of their equipment, pole lines, services, and meters are concerned.

SEC. 14. *Be it further enacted*, That any person, firm, or corporation who shall practice or engage or continue in the work of a master electrician, as devined in Section 5 of this Act, and any person not licensed as a master electrician who shall do or perform any such work except under the direction of a master electrician, or who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100), or to an imprisonment not exceeding thirty (30) days, or both, in the discretion of the court.

SEC. 15. *Be it further enacted*, That no license or renewal of same granted or issued under the provisions of this Act shall be assigned or transferable, and every such license or renewal of same shall specify the name of the person, firm, or corporation to whom it is issued; and in case of firm, the member of said firm; and in case of a corporation, the principal officer or the designated representative of the said corporation through whom the application for said license was made.

SEC. 16. *Be it further enacted*, That all fees collected under the provisions of this Act shall be for the use of said Board to defray its necessary expenses.

SEC. 17. *Be it further enacted*, That it shall be the duty of each of said Boards, before the first Monday of January of each and every year, to make a report in writing to the Governor of the State, containing a detailed statement of the nature of the receipts and the manner of ex-

penditures; and any balance of money remaining at the end of the year after payment of expenses, including per diem of members of said Board, and other necessary expenses incurred by them in the discharge of their duties, shall be deposited in the State treasury.

Sec. 18. *Be it further enacted,* That all laws and parts of laws contrary to or in conflict with the provisions of this Act be, and the same are hereby, repealed.

Sec. 19. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 19, 1909.

Wm. Kinney,
Speaker of the Senate.
M. Hillsman Taylor,
Speaker of the House of Representatives.

Approved March 1, 1909.

Malcolm R. Patterson,
Governor.

II.

(Chapter 156, Acts of 1909.)

A BILL to be entitled "An Act to amend Chapter 75 of the Acts of 1859-60, entitled 'An Act to regulate the time of opening and holding elections in this State,'" passed March 16, 1860, so as to provide that the polls shall remain open from 9 A.M. to 7 P.M. in cities of a population of 15,000 and over.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 75 of the Acts of 1859-60, passed March 16, 1860, entitled "An Act to regulate the time of opening and holding elections in this State," be, and the same is hereby, amended by adding, after the last word of said Act, the following: "Except in cities having a population of 15,000 and over according to the Federal census of 1900 or any subsequent Federal census, in which cities the polls shall be opened at 9 A.M. and closed at 7 P.M."

Sec. 2. *Be it further enacted,* That this Act take effect

from and after its passage, the public welfare requiring it.

Passed February 19, 1909. M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.
WM. KINNEY,
Speaker of the Senate.

Approved March 5, 1909.
MALCOLM R. PATTERSON,
Governor.

III.

(CHAPTER 584, ACTS OF 1909.)

AN ACT to be entitled "An Act to authorize the Governor of Tennessee to execute to the Mayor and City Council of Nashville a warranty deed in and to the property known as the 'Capitol Annex' for a consideration of twenty-two thousand dollars ($22,000), and such sum as the State has expended on said property for repairs and improvements, being the price paid by the State for said property; and also authorizing the Governor of Tennessee to execute a quit-claim deed of gift to the Mayor and City Council of Nashville in and to the rear thirty-five (35) feet of the property known as 'the Governor's Mansion property, abutting upon the eastern side of Vine Street, now known as Seventh Avenue, North, and also authorizing the Governor, Secretary of State, and Comptroller to sell said property to the said city and reinvest the fund in a suitable site for a Capitol Annex or to exchange same for suitable grounds and buildings for a Capitol Annex."

WHEREAS the citizens of Nashville have under consideration the construction of a boulevard, to be known as "Capitol Boulevard," running from the southern margin of Cedar Street where the building recently acquired by the State of Tennessee and known as the "Capitol Annex" is located to Church Street at a point a little east of the building known as the "Castner-Knott Dry Goods Company Building," said point of termination being directly opposite the western end of the Watkins Building; and

WHEREAS this project is now regarded as certain of execution by reason of the fact that the property owners whose property would have to be acquired in order to open said street or boulevard have, with the exception of those owners whose property fronts upon Church Street, and with the further exception of one or two others, indicated their willingness to dedicate that part of

their property needed for said street or boulevard free of charge to said city of Nashville; and

Whereas if said project is ever to be consummated, it must be done at the present time, for the reason that there are now no valuable improvements located upon the route of said proposed street or boulevard which would have to be paid for in the event condemnation proceedings were necessary; and

Whereas the construction of said boulevard is a project in which the State of Tennesee is greatly interested by reason of the great benefit that will accrue to the State Capital as a result of the opening of such a boulevard; and

Whereas it is necessary to the consummation of this project that the Capitol Annex property and the rear thirty-five (35) feet of the property known as the "Governor's Mansion" be deeded by the State to the Mayor and City Council of Nashville, to be used as parts of said street or boulevard; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of Tennessee is hereby authorized, for the consideration of twenty-two thousand dollars ($22,000) and such sum as the State has expended on said property for repairs and improvements to be paid to the State Treasurer, said price being the price paid by the State of Tennessee for said property, to execute to the Mayor and City Council of Nashville a warranty deed in and to the property recently acquired by the State of Tennessee and known as the "Capitol Annex," abutting on the southern side of Cedar Street, in the city of Nashville, and formerly the residence of the Roman Catholic Bishop of Nashville. The said Governor of Tennessee is also authorized to execute to the said Mayor and City Council of Nashville a quit-claim deed of gift in and to the rear thirty-five (35) feet of the property known as the "Governor's Mansion" property, abutting on the eastern side of Vine Street, now Seventh Avenue, North, in the city of Nashville; but the quit-claim deed in and to the piece of property last referred to shall only be made upon the following terms and conditions:

1. Said piece of property shall only be used as a part of street or boulevard described in the preamble of this Act; and in case it shall ever cease to be used for such

purposes, it shall revert to the State of Tennessee. This condition shall be contained in said quit-claim deed.

2. Said deed shall be executed only when the city of Nashville shall have acquired all of the property necessary to carry out the project of constructing a boulevard or street as described in the preamble of this Act, and also authorizing the Governor, Secretary of State, and Comptroller to sell said property to the said city and reinvest the fund in a suitable site for a Capitol Annex or to exchange same for suitable grounds and building for a Capitol Annex.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 30th, 1909.

WM. KINNEY,
Speaker of the Senate.
M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.

Approved May 1, 1909.

MALCOLM R. PATTERSON,
Governor.

THE CHARTER OF THE CITY OF NASHVILLE,

WITH ALL AMENDMENTS INSERTED IN THEIR PROPER CONNECTION.

E.

THE AMENDED CHARTER OF NASHVILLE.

A DIGEST OF CHAPTER 114, ACTS OF 1883, AND VARIOUS ACTS AMENDATORY THEREOF, UP TO AND INCLUDING AMENDMENTS CONTAINED IN ACTS OF 1909.

SECTION.

1. Incorporation of city.
2. General powers and liabilities.
3. Distribution of corporate authority.
4. The City Council, how members are elected; qualification of members and oath of office for members; powers and duties with reference to impeachment; how ordinances shall be introduced and passed.
5. Duty to lay off city into twenty wards.
6. Council to judge of qualifications, etc., of members; power to provide rules of proceedings; to punish and expel members; quorum; presiding officer.
7. Mayor, qualifications of; entitled to secretary; compensation of; oath of office; election of; powers and duties of.
8. Mayor, election of, in case of tie vote; impeachment of, in what cases.
9. Mayor, *pro tempore*. President of the Council to act; qualifications of voters; election of successor when office of Mayor is vacated.
10. General election for Mayor and Councilmen; judges and clerks; election returns.

SECTION.

11. Certificates of election.
12. Provisions of Code of Tennessee applicable to municipal elections.
13. Municipal offices and officers, how offices created and abolished; bonds of officers and employees.
14. Enumerated powers of Mayor and City Council, to be exercised by ordinance.
    (1) Property taxes.
    (2) Privilege taxes.
    (3) Appropriations for expenses and debts.
    (4) Contagious diseases and quarantine.
    (5) Hospitals.
    (6) Free schools.
    (7) Health regulations.
    (8) Waterworks.
    (9) Appropriations for streets, sewers, lights, etc.
    (10) License and regulation of privileges.
    (11) License and regulation of vehicles.
    (12) Regulation, etc., of public amusements.
    (13) Regulation and prohibition of gambling, etc.
    (14) Regulation, etc., of dangerous manufactories and firearms.
    (15) Regulation of explosive and inflammable material.
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SECTION.
(17) Inspection and measuring of lumber, etc.
(18) Inspection and weighing of stone, coal, etc.
(19) Inspection of articles of food and drink.
(20) Inspection of milk, etc.; vending of articles of food; regulation of market.
(21) Fines and penalties.
(22) Riotous and disorderly persons.
(23) City boundaries.
(24) Public health, convenience, and safety.
(25) Penalties for obstructions, etc.
(26) Regulation as to animals.
(27) Workhouse.
(28) Public grounds.
(29) Cumberland River.
(30) Wharves and ferries.
(31) Anchorage of vessels.
(32) Police force.
(33) Construction and repair of sidewalks; fire escapes.
(34) Granting of rights of way.
(35) Eminent domain.
(36) To provide for, create, and control a system of public parks.
(37) City Judge.
(38) Closing of wells and springs.
(39) To appropriate ground for waterworks purposes.
(40) To provide for gas plant.
(41) To operate electric-light works.
(42) With respect to granting right of way over free bridges.
(43) To grant exclusive rights to natural gas companies.
(44) To appropriate ground for dumping garbage, etc.
(45) To donate water, lights, and money to public parks, etc.
(46) To donate certain fines to humane societies.
15. Prohibition of loans, donations, charities, etc., and limitations upon municipal expenditures.
16. Standing committees, appointment and constitution of.
17. Prohibition of exemption from taxation.

SECTION.
18. Form of city ordinances, when they take effect.
19. Referendum, when ordinances shall be submitted to a vote of the people.
20. Sinking Fund and Funding Board, provisions as to.
21. Tax limit; ordinary and extraordinary; meaning of terms.
22. Annual budget.
23. Penalties for exceeding budget estimate.
24. Limitations as to annual budget.
25. Charter a public Act; city ordinances made evidence in court.
26. Board of Public Works, election of members; compensation and oath of members; organization of; pro tempore appointments.
27. Members of Board of Public Works to give bond.
28. Members of Board of Public Works to abstain from other active employment.
29. Meetings of Board of Public Works; method of procedure.
30. Board to keep record of proceedings; copy of proceedings competent evidence.
31. Members of Board to have seats in Council and participate in deliberations touching matters under their charge.
32. Exclusive powers of Board of Public Works in matters of employment in heads of departments, laborers, etc.; prohibition of employment of relatives; nine hours constitute a day's labor in street, scavenger, and waterworks departments.
33. Exclusive powers of Board of Public Works in relation to streets, sewers, public property, etc.; powers in reference to expenditures of money in sums less than five hundred dollars.
34. Duty of Board to prepare an estimate for annual budget;

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duty of Mayor and City Council to make tax levy; dedication of budget appropriations.
35. Board to estimate cost of expenditures before making contracts.
36. Duty of Board to prepare ordinances for expenditures over five hundred dollars, with recommendations.
37. Duty of the Board to prepare ordinance in cases where the estimated expenditure for any public improvement, taken as a whole, amounts to more than five hundred dollars.
38. Board to advertise for lowest responsible bidder.
39. Contracts of Board, how executed.
40. Disability of members of Board disqualified from employment.
41. Insufficient tax levy, how remedied.
42. Relatives of members of Board disqualified from employment.
43. Sworn statements of contractors to be filed before receipt of money.
44. Alterations and modifications of contracts.
45. Compensation for extra work, how and when allowed.
46. Contracts to be awarded to home concerns, other conditions being equal.
47. Publication of resolutions of Board of Public Works touching expenditures; ordinance required to authorize expenditure over five hundred dollars.
48. Removal of members of Board of Public Works.
49. Suspension and dismissal of members of Board of Public Works; trial of charges against.
50. Board of Education, appointment of, organization of; oath of office.
51. Duties of the Board:

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(1) To make estimate of annual expenses of schools.
(2) To make rules and regulations.
(3) To employ teachers, etc.
(4) To pay salaries and make expenditures within certain limits.
(5) An estimate for budget; duties of Mayor and City Council.
(6) Removal of members.
52. Board of Health; appointment, qualification, and organization; official oath; duty to elect Health Officer; salary of Health Officer.
53. Board of Park Commissioners:
(1) Appointment of; oath of office; bond of; organization of.
(2) Duties of; to purchase and condemn property for park purposes; to have control of and adopt rules for regulating park property.
(3) To employ superintendents, employees, and to make expenditures under five hundred dollars.
(4) To prepare estimate for budget and make annual report to Mayor and City Council.
54. Treasurer, Comptroller, City Marshal, Tax Assessor, election and salary of each; *pro tempore* appointments; Treasurer, Comptroller, and Tax Assessor entitled to one assistant each; salary of assistants.
55. Judge of City Court, election of, qualification of, and term of office; official oath; salary.
56. City Attorney, election of; term of office; salary.
57. Board of Police and Fire Commissioners, appointment of; duties and powers of.
58. Officers elected at first general election after the passage of Chapter 204, Acts of 1899.

SECTION.
59. Annexation of territory and extension of city limits.
60. Metropolitan police force, number and compensation; powers of.
61. Duties of metropolitan police.
62. Powers and duties of metropolitan police, continued.
63. Commitment to workhouse; prisoners to work; limit of confinement.
64. Assessment for taxation of property and privileges; collection of taxes.
65. Digest of city ordinances.
66. School fund; share in State and county fund; how paid over.
67. Judge of City Court, powers and jurisdiction.
68. Title, right, and ownership of property, etc.; of extinct corporation transferred to new.
69. Liability of new corporation for debts, contracts, etc., of extinct corporations.
70. Stock Raiders and Assistants, number of, compensation of, tenure of office of.
71. Humane Society Board of Commissioners:
(1) Number of; qualifications of; election of; terms of; oath of; bond of; meetings of.
(2) Power to acquire property; title, how held.
(3) Duties of; special patrolmen assigned to.
(4) Power to employ agents; to confer police power on; fines, certain, go to; revenue kept separate; money of, how to be spent.
(5) Compensation of employees, power to fix.
(6) Duty of to make quarterly reports to City Council; form of reports prescribed.
72. Board of Hospital Commissioners:
(1) Number of; qualifications of; election of; tenure of office of; oath of; bond of.
(2) Duties of Board: to control all public hospitals; to make non-medical rules for; to elect Superintendent and Surgeon.
(3) Superintendent and Surgeon, powers and duties of.
(4) Hospital staff, constitution of; two branches of; how chosen; number of staff; duties of; powers of; removal of; to make all medical rules.
(5) Monthly reports, Superintendent and Surgeon to make; form of.
(6) Superintendent of Steward Department, compensation of; duties of; under Civil Service Commission as to removal.
(7) Internes, number of; how chosen; under supervision of Superintendent and Surgeon; to reside at hospital; removal of.
(8) Board to make quarterly reports to City Council; form of reports prescribed; to submit to Council estimate of expenses, when; money of, how to be expended.

SECTION 1. The several communities embraced in the territorial limits of all such municipal corporations in this State as have had their charters abolished under the provisions of an Act passed by the present General Assembly, entitled "An Act to repeal the charters of all municipal corporations of the State of Tennessee having a population of thirty-six thousand and upwards under the Federal census of 1880," are hereby constituted mu-

nicipal corporations and bodies politic, by the former names and styles of the municipal corporations respectively whose charters have been abolished as aforesaid and to which they are successors.

Sec. 2. Said corporation shall have perpetual succession; shall sue and be sued, plead and be impleaded in all courts of law and equity and in all actions whatsoever; may purchase, receive, and hold property, real and personal, within said city; and may sell, lease, or dispose of the same for the benefit of the city; and may purchase, receive, and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for the erection of the waterworks, for the establishment of the poorhouse, pesthouse, workhouse, or house of correction, or for a public park or promenade, or for any other purpose that the Mayor and City Council may deem necessary or proper; and may sell, lease, or dispose of such property for the benefit of the city to the same extent as natural persons; they shall have and use a common seal, and change it at pleasure.

Sec. 3. The corporate authorities of all cities controlled by this Act shall be vested in a Mayor and City Council, a Board of Public Works, a Board of Health, a Board of Education, a Board of Police and Fire Commissioners, and in such officers as may be appointed or elected in pursuance of law. (Section 5, Chapter 204, Acts of 1899.)

Sec. 4. The legislative power of said corporation shall be vested in a legislative body, which shall be designated the "City Council." The City Council shall be composed of twenty-one Councilmen who shall be elected for two years at the general election, but not more than one Councilman residing in any one ward of said city shall be eligible. The qualified voters of each ward shall choose one Councilman to represent said ward in the City Council. Should any Councilman remove from his ward, his office of Councilman shall thereupon become vacant. In case of a tie vote in any ward between candidates for Councilman receiving the highest number of votes cast for Councilman in the ward, the election shall be referred back to the voters of the ward, and held as before, within the next succeeding twenty days. At said special election no candidates shall be voted for except those candidates receiving in the general election the highest number of votes. No person shall be eligible to the office of Coun-

cilman who is not a citizen of Tennessee and who has not been a resident of said city wherein he is elected for at least five years immediately preceding his election. No person shall be eligible to the office of Councilman who has not attained the age of twenty-five years and who has not been a resident of his ward at least one year immediately preceding his election; *provided,* that all persons resident of any territory that has been annexed to the said municipal corporation, otherwise qualified, shall be eligible to the office of City Councilman who are at the time of their election residents of the territory so annexed, and have been residents thereof for a period of not less than one year immediately preceding their election, and residents of Tennessee five years immediately preceding their election. Each Councilman shall, before entering upon the duties of his office, take and subscribe to the following oath: "I do solemnly swear that I will support the Constitutions of the State of Tennessee and the United States, and that I will faithfully and impartially discharge the duties of Councilman without fear or favor and solely for the public welfare. So help me God."

Whenever any vacancy shall occur in said City Council, a special election to fill such vacancy shall be held within twenty days thereafter in the ward unrepresented by reason of such vacancy in said Council. To enable the City Council to investigate charges against its own members, or any other city officials, it shall have the power to appoint an investigating committee, which shall have full and complete power and authority to order, appoint time and place of, and hold an investigation of the matters committed to them, and to issue subpœnas compelling the attendance of witnesses and the production of books, papers, and other documentary evidence, and to punish by contempt proceedings any person failing or refusing to answer or obey their summons or give or produce testimony before them. The Chairman of said committee shall have power to fine and imprison such persons guilty of contempt. The said committee shall report its findings in writing to the City Council, who shall take such action upon said report as they may deem right and proper, but no official shall be deprived of his office except by a two-thirds vote of all the mem-

bers of the City Council. It shall be the duty of the City Council to investigate and punish by expulsion from office officials who, having been suspended by the Mayor, have been adjudged guilty by the City Council of the charges preferred against them, provided that two-thirds of the whole number of Councilmen vote in favor of such action. The City Council shall hold meetings at such times as it may determine, not exceeding two regular stated meetings per month. Each Councilman shall receive as compensation five dollars ($5) for each regular meeting that he attends. No Councilman shall receive any compensation for any regular meeting that he fails to attend, nor shall he receive any compensation for attending any other than a regular meeting, and no Councilman who fails to attend a called meeting of the Council shall receive any compensation for his attendance at the next succeeding regular meeting. When the City Council is sitting as a court of impeachment, the Mayor shall preside, except when the Mayor is under impeachment, when the Chairman of the Board of Public Works shall preside. No bill shall become a law without having first been passed on three several readings by a majority vote, on the third of which readings a majority vote of the whole number of the members of the Council shall be required, and until said bill shall have been signed by the Mayor, or without his signature as provided in this Act. The City Council shall not suspend its rules so as to take up and pass an ordinance on more than one reading on the same day. No bill shall pass its first reading on the day on which it is introduced. No amendment shall be made after the second reading. Every bill shall be introduced in duplicate, one copy of which shall be kept by the Recorder. All bills shall be read in full to the City Council at each reading of the same. No bill shall become an ordinance, nor resolution shall be adopted, unless finally passed by a majority of all the members of the Council, and the vote to be taken by ayes and noes, and the names of the Councilmen voting for and against the same be entered on the minutes. No bill for the grant of any franchise, or the issuance of any bonds, shall be put upon final passage within ninety days after its introduction, and no franchise shall be renewed before one year prior to its expiration. (Section 6, Chapter 204, Acts of 1899; Sec-

tions 1 and 2, Chapter 26, Acts of 1901; Section 2, Chapter 352, Acts of 1903.)

SEC. 5. It shall be the duty of the Mayor and City Council of corporations now being in existence and organized under the Act embraced in Chapter 114 of the Acts of 1883, within one month after the passage of this Act, to divide and lay off the territory of the corporation into twenty-one wards, provided the same has not already been done by such municipality. In laying off the new wards under this Act, the City Council shall fix the boundary so as to divide the territory of the city as nearly equal and with as much uniformity as practicable, and to divide the city as nearly as practicable into twenty-one wards. (Section 3, Chapter 127, Acts of 1893; Section 1, Chapter 352, Acts of 1903.)

SEC. 6. The City Council shall judge of the qualifications, elections, and returns of its own members, and shall prescribe rules for the determination of contested elections. It may determine its own rules of proceeding and prescribe the punishment of its members for non-attendance or disorderly conduct, and enforce the same, and, two-thirds of its members concurring, may expel a member for improper conduct while in office. It shall require a majority of the members of the Board to form a quorum for the transaction of business; but a smaller number may adjourn from day to day, and, under the provision of an ordinance, may compel the attendance of absent members by fine and penalties. The members shall elect, biennially, one of their own number to be their presiding officer, with power to enforce such rules as may be adopted by the Board for the government thereof. (Sections 5 and 6, Chapter 114, Acts of 1883.)

SEC. 7. The Mayor shall be an elector of the city at the time of his election, and must have been such for at least five years immediately preceding that time, and must not be under thirty years of age at the time of his qualification; *provided*, that all persons, otherwise qualified, who have resided a period of five years within the territory embraced in the corporate limits of such city, at the time of their election, shall be eligible to hold the office of Mayor. The compensation of the Mayor shall be three thousand dollars per annum, and may be changed by ordinance, but not during his term of office. He shall be

entitled to a Secretary, who shall be appointed by said Mayor, and whose salary shall be nine hundred dollars per annum, and he shall act as Secretary or Clerk to all committees of the City Council. The Mayor shall, before entering upon the duties of his office, take and subscribe to the following oath: "I do solemnly swear that I will support the Constitutions of the State of Tennessee and the United States, and that I will faithfully, zealously, and impartially discharge the duties of Mayor without fear or favor and for the public welfare. So help me God." The Mayor shall be elected at the general election by the qualified voters of the city, and shall hold office for two years, or until his successor is elected and qualified, and shall be ineligible to hold the office of Mayor for more than two terms in succession. The Mayor shall vigilantly observe the official conduct of all city officers and the manner in which they execute their duties and fulfill their obligations. He shall have power to make *pro tempore* appointments to fill vacancies occasioned by sickness, absence, or other disabilities of any city officer, and to suspend any city officer for misconduct in office, drunkenness or neglect of duty, reporting his action, with the reasons therefor, in writing, to the next regular meeting of the City Council; and the City Council shall pass upon said suspension at the first regular meeting of the City Council after the filing of the reasons by the Mayor, unless sufficient reasons are offered by the party suspended for further delay. The books, records, and official papers of all departments, officers, and persons in the employ of the city shall at all times be open to his inspection and examination. He shall take special care that the books and records of all departments, boards, officers, and persons are kept in legal and proper form. The Mayor shall, from time to time, recommend to the proper officers of the different departments such measures as he may deem beneficial to the public interest. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted. He shall have the right to attend the meetings of any of the boards of said city, and offer suggestions at such meetings. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for

which purpose he may use and command the police force; if such police force is insufficient, he shall call upon the Governor for military aid, so that such riots or tumults shall be promptly and effectually suppressed. The Mayor shall see that all contracts and agreements with the city are faithfully kept and fully performed. The Mayor must institute such action or proceedings as may be necessary to revoke, cancel, or annul all franchises or contracts that may have been granted or entered into by the city which have been forfeited in whole or in part, or which for any reason are illegal, void, and not binding upon the city. The City Attorney, on demand of the Mayor, shall institute and prosecute the necessary actions to enforce this provision. The Mayor shall be the chief executive officer of the city, and as such shall be held responsible for the proper execution of all laws, ordinances, and contracts of the city. It shall be the duty of the Mayor to carefully examine all bills and ordinances passed by the City Council; and should either or any of them not meet with his approval, then he shall return the same to the next regular meeting of the City Council, with his objections in writing. And no law or ordinance so vetoed by the Mayor shall go into effect unless the same be passed by a two-thirds vote of the whole number of the members of the City Council. The Mayor shall be required to veto only such features in a bill as he may deem objectionable, and he may approve the residue of the same bill. If the Mayor fails to return any law or ordinance as aforesaid at the first regular meeting after its passage, he shall be deemed to have approved the same, and it shall become a law without further action. The Mayor may, whenever, in his judgment, the good of the city requires it, call special meetings of the City Council; and when so called, he shall state by message the object for which it shall have been convened, and the business of such meeting shall be restricted to the object or objects so stated. He shall, at least once in every three months, cause to be presented to the City Council a full and complete statement of the financial condition of the city. The Mayor shall, from time to time, communicate to the City Council such information and recommend such measures as may, in his judgment, tend to the improvement of the finances and the general welfare of the city.

He shall take care that all the ordinances are duly respected and observed within the city. He shall have the power and exercise the functions of a Justice of the Peace, but only for the preservation of the peace within the limits of the city and public parks and grounds without the city belonging to the city. He shall have power to bid in property for the city at all tax and judicial sales when the city is a party. It shall be the duty of the Mayor to enforce all police powers of the city. (Section 8, Chapter 204, Acts of 1899; Section 1, Chapter 59, Acts of 1901; Section 1, Chapter 1, Acts of 1907.)

SEC. 8. When two or more persons shall have an equal number of votes for the office of Mayor, the election shall be referred back to the voters of the city, and held as before, within the next succeeding ten days. The Mayor may be impeached by the City Council for misfeasance, malfeasance, or nonfeasance in office, and, two-thirds of the City Council concurring, may be removed. (Section 8a, Chapter 114, Acts of 1883.)

SEC. 9. In case of the absence of the Mayor, the President of the Board of Councilmen shall discharge his duties; and in case the Mayor's office is vacated by death, resignation, removal, or non-residence the President of the Board of Councilmen shall discharge the duties of said office until a successor for his unexpired term be elected by the people, which election shall be held within thirty days after a vacancy occurs. (Section 10, Chapter 114, Acts of 1883.)

SEC. 10. The general election for Mayor and Councilmen shall be held biennially on the second Thursday in October, and a new administration shall be organized and sworn into office on the Tuesday following. The voters shall vote by ballot. No person shall be qualified to vote for Mayor, or members of the Board of Public Works, or City Treasurer, or Comptroller, or City Attorney, or City Marshal, or Tax Assessor, or Judge of the City Court who shall not have been a bona-fide resident of such city for at least six months immediately preceding the day of such election; nor shall any person be qualified to vote for City Councilman who shall not have been a bona-fide resident of the said ward at least six months immediately preceding said election; *provided*, that any resident citizen and qualified voter in Davidson County,

Tenn., who has been a bona-fide owner of property located within the corporate limits of the city of Nashville for more than twelve months prior to the date of the election, may register and vote in any one ward of said city where said property may be located, in any city election held under the provisions of said charter. The judges and clerks of election shall be appointed by the Mayor, and shall take oath to faithfully and impartially discharge their duties. They shall open the polls at 9 o'clock in the forenoon and close them at 7 o'clock P.M., when they shall forthwith proceed to ascertain and transmit to the Mayor the result of such election, certified and authenticated by the clerks and a majority of the judges of election for each ward. The Mayor shall deliver to the City Recorder the returns as they are received by him, who shall forthwith enter the same as they are successively received in a book to be kept for that purpose. (Sections 11 and 12, Chapter 114, Acts of 1883; Section 9, Chapter 204, Acts of 1899; Section 26, Chapter 204, Acts of 1899; Section 11, Chapter 26, Acts of 1901; Section 1, Chapter 156, Acts of 1909.)

SEC. 11. It shall be the duty of the City Recorder, within two days after he shall have ascertained the result of each general or special election, as herein prescribed, to furnish his certificate to each person elected. (Section 13, Chapter 114, Acts of 1883.)

SEC. 12. The provisions of Sections 4894 to 4912, inclusive, and 4912d to 4921i, inclusive, of Thompson & Steger's Revised Statutes of Tennessee, are made applicable to all elections held under this Act. (Section 15, Chapter 114, Acts of 1883.)

SEC. 13. Said Mayor and City Council shall have power, and are hereby authorized, to create such offices and to provide by ordinance for the appointment or election of all such officers as may be necessary for the good government of the city (not in conflict with nor to interfere with the duties of officers and appointees provided for in this Act), whose compensation and the time of service shall be fixed before their election, and the compensation shall not be increased or diminished during their term of office. The said Mayor and City Council shall have power and authority to abolish at any time any office created by them, and to discharge any officer elected or appointed

by them, by a majority vote, on the call of the roll, but shall not abolish any office created under this Act. All elections by the City Council shall be a *viva voce* on the call of the roll. All officers created by this Act, or created by city ordinance, and appointees of the Board of Public Works and Affairs, shall be required to give such bond as the Mayor and City Council may, by ordinance, provide; and the Board of Public Works and Affairs may demand of its employees, appointees, and artisans such bond as it shall deem fit, in case there is no ordinance of the Mayor and City Council requiring such bond. No Councilman shall be eligible to any city office during that period for which he was elected. (Section 16, Chapter 114, Acts of 1883.)

SEC. 14. The Mayor and City Council of each of said cities shall, within the limitations of this Act provided, have powers by ordinance (Sections 17, Chapter 114, Acts of 1883):

(1) To levy and collect taxes upon all property taxable by law for State purposes.

(2) To levy and collect taxes upon all privileges taxable by the laws of the State.

(3) To appropriate money and provide for the payment of the debt and expenses of the city, and also the debt of the municipal corporations of which they are the successors.

(4) To make regulations to prevent introduction of contagious diseases in the city; to make quarantine laws for the purpose and enforce same within ten miles of the city.

(5) To establish hospitals and make regulations for the government thereof.

(6) To establish a system of free schools and regulate the same, but so as to avoid sectarian influence.

(7) To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances. And, in order to accomplish these objects, the said Mayor and City Council may declare, by ordinance, what constitutes nuisances and provide for the abatement of the same, and make all repairs and improvements necessary for the health and convenience of the inhabitants; and all expenses or outlay made by the Mayor and City Council shall be reimbursed by the owner or owners, and shall

be secured by lien upon the property upon which the expenditure is made, which lien may be enforced by suit in the Chancery Court. (Chapter 28, Acts of 1887.)

(8) To provide the city with water by waterworks within or beyond the boundaries of the city, and to provide for the prevention and extinguishment of fires, and organize and establish fire companies.

(9) To make appropriations to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, alleys, and sidewalks, or to have the same done; and to erect, establish, and keep in repair bridges, culverts, sewers, and gutters; and to make appropriations for lighting the streets and for the erection of all buildings necessary for the use of the city.

(10) To license, tax, and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, coffee houses, confectioners, retailers of liquors, hawkers, peddlers, livery-stable keepers, and all other privileges taxable by the State.

(11) To license, tax, and regulate hackney carriages, carts, omnibuses, wagons, and drays, and fix the rate to be charged for the carriage of persons and property within the city and to the public works and property without the limits of the city.

(12) To regulate or prohibit and suppress theatrical and other exhibitions, shows, and amusements.

(13) To regulate or prohibit and suppress all gambling houses, disorderly houses, and bawdy houses and obscene pictures and literature.

(14) To regulate, restrain, or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent and suppress the sale of firearms and carrying of concealed weapons.

(15) To regulate the storage of gunpowder, tar, pitch, rosin, saltpeter, gun cotton, coal oil, and all other combustibles, explosives, and inflammable material, and the use of lights, candles, lamps, and steam pipes in all stables, shops, and other places, and to regulate or suppress the use and sale of firecrackers and toy pistols.

(16) To establish standard weights and measures to be used in the city, and to appoint a sealer of standard

weights and measures, who shall have exclusive jurisdiction within the city.

(17) To provide for the inspection and measuring of lumber and other building material.

(18) To provide for the inspection and weighing or measuring stone, coal, wood, and all fuel, hay, corn, and other grain.

(19) To provide for and regulate the inspection of beef, pork, flour, meal, and all provisions; oil, whisky, and other spirits in barrels, hogsheads, and other vessels.

(20) To regulate the inspection of milk, butter, lard, and other provisions; to regulate the vending of meat, poultry, fish, and vegetables; to restrain and punish the forestalling and regrating of provisions; to establish and regulate markets.

(21) To impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for their recovery and appropriation.

(22) To provide for the arrest, imprisonment, and punishment of all riotous and disorderly persons within the city by day or by night, and for punishment for all breaches of the peace, noise, disturbance, or disorderly assemblies.

(23) To fix from time to time the number and boundary of the city wards, but they shall never be less than twenty-one. (Section 2, Chapter 352, Acts of 1903.)

(24) To pass all ordinances necessary for the health, convenience, and safety of the citizens, and to carry out the full intent and meaning of this Act, and to accomplish the object of this incorporation.

(25) To impose penalties upon the owner or owners, occupants or agents, of any house, wall, or sidewalk, or other structure, which may be considered dangerous or detrimental to the citizens, unless after due notice to be fixed by ordinance the same be removed or repaired.

(26) To regulate, tax, license, or suppress the keeping and going at large of all animals within the city; to impound the same; and, in default of redemption, in pursuance of ordinance, to sell or kill the same.

(27) To erect and organize a workhouse in or near said city; and any person who shall fail or neglect to pay any fine or cost imposed on him by any ordinance of

said city shall be committed to the workhouse until such fine and costs shall be fully paid.

(28) To provide for enclosing, improving, and regulating all public grounds belonging to the city, in or out of the corporate limits.

(29) To improve and preserve the navigation of the Cumberland River within the city.

(30) To erect, repair, and regulate public wharves, docks, and landings, and to fix the rate of wharfage thereat, and to regulate ferries.

(31) To regulate the stationary anchorage mooring of vessels or rafts within the city.

(32) To provide for the appointment of a police force; to impose fines, forfeitures, penalties, and terms of imprisonment for the breach of any city ordinance; but no penalty shall exceed fifty dollars, and no term of imprisonment shall be for a longer term than three months for the same offense.

(33) To regulate and provide for the construction or repair of sidewalks and foot pavements; and if the owner or owners of any lots shall fail to comply with the provisions of such ordinance within such time as may be prescribed thereby, the Board of Public Works and Affairs may contract for the construction and repair of such sidewalks or pavements; and the city shall pay for the same, and the amount so paid shall be a lien upon said lot, and may be enforced by attachment in law or equity, or the amount may be recovered against said owner by suit before any court of competent jurisdiction; to compel owners of buildings to erect fire escapes when necessary for safety of occupants.

(34) To grant the right of way through the streets, avenues, and squares of said city for the purpose of the street or other railroad.

(35) [To take and appropriate ground for widening streets or parts of streets thereof, or laying out of new streets, avenues, squares, parks, and promenades, or for building sewers, gas works, hay markets, market houses; for engine houses, station houses, workhouses, and city halls, when the public convenience requires it, under provisions of Sections 1661, 1662, 1663, and 1664 of Milliken

& Vertrees' compilation of the Laws of Tennessee. (Chapter 41, Acts of 1891.)]*

(36) [To create, maintain, and control a system of public parks within their corporate limits, or adjacent thereto, and for such purposes to acquire and hold property by purchase, gift, or devise; to condemn private property for park purposes; to make appropriations by ordinances for the maintenance, and to enact such ordinances as may be necessary for the regulation and control, of such public parks. (Section 1, Chapter 117, Acts of 1901.)]

(37) [To provide for the temporary or permanent closing of wells and springs used by the public during epidemics, or when epidemics are threatened, or whenever the same are injurious to health. (Section 4, Chapter 39, Acts of 1885.)]

(38) [To take and appropriate, in the manner hereinafter provided, ground adjacent to the corporation line for waterworks purposes, site for pumping station or reservoir, right of way for water to the city from pumping station or reservoir, upon payment of damages. To exercise the power conferred in this subsection, the Mayor and City Council shall, by ordinance, designate the grounds and instruct the City Attorney to institute proceedings provided for in Sections 1325 to 1348, inclusive, of the Code of Tennessee. (Chapter 39, Acts of 1885.)]

(39) [To purchase or erect within or beyond the boundaries of the city a gas plant, and to own and operate the same, together with a complete system of gas works, for

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*Sections 1661, 1662, 1663, and 1664, Milliken & Vertrees' Code of Tennessee:

1661. "When the owner of the land through which any street or alley or common is to be extended requires damage for the same, the Mayor and Aldermen shall appoint freeholders, not exceeding seven in number, who, after first being sworn, shall examine the premises and assess the damages, and report the same to the Mayor and Aldermen, who shall cause the said report to be spread upon their minutes by the Recorder."

1662. "On payment of said damages into the office of the Recorder for the benefit of the owner of the land, the Mayor and Aldermen, first allowing said owner a reasonable time therefor, may order the street, alley, or common to be opened."

1663. "If the person fail or refuse to open the street, alley, or common so ordered, he shall be subject to a fine of five dollars for every month of his failure or refusal, to be recovered by the Mayor and Aldermen by suit before a Justice of the Peace, to the use of the town."

1664. "Any person aggrieved by such order for opening a street, alley, or common may appeal to the Circuit Court."

the purpose of supplying the city with light. (Chapter 40, Acts of 1891.)]

(40) [To build or purchase, and own and operate, electric-light works for the purpose of lighting public buildings or streets, or all other public places in the city, and for the sale of the electric current to all persons desiring to purchase the same either for light, heat, or power, or for any purpose whatever. (Chapter 207, Acts of 1891; Chapter 11, Acts of 1901.)]

(41) [The Mayor and City Council of such municipal corporations shall not grant to any street railroad company now incorporated, or that may hereafter be incorporated, nor to any company or individual, any exclusive privilege or right of way over a free bridge and its approaches, built and maintained at the public expense within the corporate limits of said city or town; nor permit or allow any corporation, company, or individual to lay hold on or control any railway track or tracks thereon; but such city or town shall put down, keep, and maintain at its own expense such track or tracks as may be necessary upon such bridge and approaches for the convenience and accommodation of the public, and shall grant equal facilities and privileges to all corporations, companies, or individuals desiring to run cars thereon. Said track is to be the exclusive property of the municipal corporation. In order to prevent a monopoly in the use of any free bridge and its approaches within the municipal corporation, and to secure to the public the free use of such free bridge or bridges and their approaches to all citizens, companies, and corporations alike, power and authority is hereby vested in the Mayor and City Council of said municipalities to take, condemn, and appropriate the track or tracks and appurtenances of any street railway, corporation, company, or individual located upon said bridge; and also to take, condemn, and appropriate such railway tracks and their approaches to said bridge, and right of laying thereon, as may be necessary to procure a feasible and practicable route for other railways to and upon said bridge. The said condemnation of said track and appurtenances is to be had in accordance with and under the provisions of Section 1562 and Section 1338, and Sections 1388, 1389, 1390, and 1391 of the Code of Tennessee, being in Milliken & Vertrees' Code, Sec-

tions 1661 to 1664, inclusive. Upon the condemnation of said tracks and appurtenances, the title and ownership to same is to vest in the Mayor and City Council of said city or town, and to be by it held, kept, and maintained to the common use of all street railways having to cross the same, as provided in the above section. (Chapter 61, Acts of 1887.)]

(42) [To grant to any natural-gas company doing business in this State the exclusive right to the use of its streets, alleys, and public grounds for the transportation of natural gas and sale thereof to its citizens for a term of not exceeding twenty years from the date of bringing such gas into the limits of such municipal corporation, upon such conditions as the Mayor and City Council may prescribe; *provided, however*, such Mayor and City Council may have the right to provide in the ordinance making such grant for the purchase of such natural-gas plant at the expiration of said term. (Chapter 179, Acts of 1887.)]

(43) [To take and appropriate, upon payment of damages, and in the manner below provided, ground adjacent to and lying in the vicinity of the corporate lines, for dumping garbage, privy matter, and other offal. The Mayor and City Council shall, by ordinance, designate and properly describe the grounds and instruct the City Attorney to institute proceedings provided for in Sections 1325 to 1348, inclusive, of the Code of Tennessee (Milliken & Vertrees' Code, Sections 1549 to 1572, inclusive). (Chapter 141, Acts of 1893.)]

(44) [To donate water, lights, and money in such amounts, not to exceed five thousand dollars per annum, and under such conditions and for such time as may be prescribed, to any park held or owned by any other organization which may be located within two miles of the corporate limits of such city; *provided*, such money shall not be used for the purchase or part payment of such park or interest on bonds issued by such park commission, but shall be used only for the purpose of paying the current expenses for maintaining such park. (Chapter 11, Acts of Extra Session, 1898.)]

(45) To provide by ordinance for the punishment of cruelty to animals; to impose fines for the breach of such ordinances; and to authorize all fines thus imposed to be

paid to any incorporated society whose corporate object is the prevention of cruelty to animals. (Section 1, Chapter 310, Acts of 1907.)

SEC. 15. The Mayor and City Council of cities are forbidden to make any appropriation of money or credit in the way of donation, festivities, pageants, excursions, or parades; nor shall they be authorized to subscribe for stock in any railroad company, or in any other corporation, or give or lend any money, aid, or credit to any person or corporation whatever; and they are hereby prohibited from employing or appropriating the revenues and taxes in any other manner than for purposes strictly municipal and local, and according to the provisions of this Act. (Section 18, Chapter 114, Acts of 1883.)*

SEC. 16. The City Council of municipalities controlled by this Act shall, by ordinance, determine the number of standing committees, the number of members of which each committee shall be composed, and shall designate the character and duties of each. The President of the City Council shall appoint said committees. Said committees shall be appointed biennially as soon as practicable after the election of the President of the Board. The Mayor shall be, *ex officio*, a member of all standing committees, but shall not be entitled to a vote. (Section 19, Chapter 114, Acts of 1883.)

SEC. 17. No municipality controlled by this Act shall exempt any property from taxation not exempt from State taxation. (Section 20, Chapter 114, Acts of 1883.)

SEC. 18. All city ordinances shall begin by an enacting clause, as follows, "Be it enacted by the Mayor and City Council of (filling the blank with the name of the city)," and shall, at the end of the Act, contain the provision that "this ordinance shall take effect from and after its passage, the welfare of the city requiring it;" otherwise the same shall not take effect until twenty days after the passage. (Section 21, Chapter 114, Acts of 1883.)

SEC. 19. Every ordinance involving the granting by the city of any franchise, or amendment to existing franchises, for the supply of light or water, for the lease or

*By Chapter 122, Acts of 1897, the city of Nashville is authorized to subscribe to the stock of railroad companies or other public enterprises. For this Act, see page 176 of McAlister & Smith's Digest of the Laws of Nashville.

sale of any public utility, for the exemption of any quasi-public corporation from the duties imposed upon it by its charter or by the law of the land, or involving the granting by the city of any right of way over, through, or under the streets, alleys, avenues, or property to any street railroad, telephone, telegraph, gas, electric-light, or other companies, or the issuance of any bonds (except bonds issued for the purpose of funding outstanding bonds, which shall not be funded except at the same rate or a lower rate of interest), must be submitted to the qualified voters of such city at a special election to be called for that purpose; *provided*, that such ordinance or ordinances may be submitted to the qualified voters at the general election; and, *provided, further*, that no such special election shall be called within six months after a special or general election, except for the purpose of authorizing the issuance of bonds for street or sewer purposes, which election may be held at any time and upon such notice as the City Council by ordinance may direct; and, *provided, further*, that nothing in this section shall prevent the City Council, by a vote of three-fourths of its members, in cities controlled by this Act, from permitting telephone, telegraph, street railway, electric-light, or gas companies in existence at the time of the passage of this Act, and that may hereafter be created and obtain franchises in accordance with the provisions of this Act, from erecting additional poles and running additional wires, or laying additional pipes, or extending their lines in such cities, without an affirmative vote of the qualified voters. If the majority of the qualified voters voting in such election vote in favor of such an ordinance, the same shall become a law; *provided*, that the expenses of all such special elections shall be paid by the person or corporation in whose behalf said election shall have been called; *provided, further*, that heating companies or corporations using steam or other methods of heating, in cities controlled by the terms of this Act, which have already a franchise from said cities to lay mains and conduits for the purpose of conveying heat by steam or other methods of heating through the streets, alleys, thoroughfares, squares, bridges, viaducts, public grounds, and places of such cities, shall, by a majority vote of the City Council of such cities, without submission to the people,

be allowed the privilege of selling, leasing, or renting, for any length of time within the term of their franchise, any unused or unoccupied part or parts, space or spaces, portion or portions of said mains and conduits, not employed in or essential to their business, to any other person, firm, or corporation desiring the use thereof as a receptacle for wires, pipes, and other lawful purposes. (Section 15, Chapter 204, Acts of 1899; Section 12, Chapter 26, Acts of 1901; Section 1, Chapter 119, Acts of 1903.)

SEC. 20. For the purpose of providing means for the liquidation and retirement of the bonded indebtedness of such cities having outstanding bonded indebtedness, a sinking fund is hereby created, into which shall be paid, commencing on the first day of January, 1900, ten per cent of all taxes, revenues, and collections from all sources, except from the tax for school purposes, received by and coming into the city treasury. The City Treasurer shall, at the end of each month, out of said taxes, revenues, and collection, except out of the taxes for school purposes, received during said month, deduct ten per cent from the aggregate thereof and deposit the same in one or more of the city depositories to the credit of "Sinking Fund;" and he shall open and keep in his books in his office an account designated "Sinking Fund Account," which shall show accurately and specifically all payments made into, and all disbursements made out of, said sinking fund; and no disbursement out of said sinking fund shall be made for any purpose except as hereinafter directed. The moneys paid into the sinking fund, as aforesaid, shall be used only and exclusively for the purchase, retirement, or payment of any outstanding bonds of the said city. At the end of each quarter, or period of three months, the Funding Board, with the accumulation of money in the said sinking fund, shall buy any of the outstanding bonds of the city at the lowest price at which they are offered or can be obtained; and in the event the Funding Board shall be unable to buy any of said bonds at less than par, as herein authorized, it shall call as many of said bonds subject to call as there are funds on hand to pay the principal and accrued interest thereon, before investing said funds in any of the bonds of said city at more than par and accumulated interest. Said bonds which it is intended and designed by said Funding Board to pay, re-

deem, and retire shall be designated by number in the call, and such call shall be published and advertised for not less than thirty days in one or more of the daily papers published in such city controlled by this Act. The call for bonds, as aforesaid, shall fix and designate the time when and the place where the holders thereof shall deliver them for payment, and the place of payment shall be the Treasurer's office of such city. Interest on the bonds shall cease on the day fixed in the said call for their payment and redemption. When said bonds, called as aforesaid, shall be presented for payment and redemption, and are paid and redeemed, they and the coupons thereon shall be canceled forthwith, and, after cancellation, shall be held and securely pasted in a well-bound book kept for that purpose. All payments and disbursements out of the sinking fund authorized by this Act shall be made on the written order of the funding board, in which the object and purpose of the payment shall be plainly stated. Said order shall be directed to the Treasurer; and upon said order the Treasurer shall use the money in the sinking fund to purchase, redeem, or pay for said bonds. Said orders of the Funding Board shall be carefully preserved and kept by the Treasurer in his office in a well-bound book. The Funding Board shall make, on the first day of January and July of each year, to the City Council, a detailed and itemized statement of the amounts paid into the sinking fund and of all disbursements made therefrom under the provisions of this Act, and shall accompany said report with a certificate of the Treasurer, showing all the bonds and numbers thereof purchased, paid, redeemed, and canceled. All necessary expenses to the redemption, cancellation, and preservation of said bonds shall be paid out of the general fund of said city. The Funding Board shall consist of the Mayor, Treasurer, and Comptroller of such city, and the Mayor shall be Chairman thereof. The duties of said Funding Board shall be to carry into effect the provisions of this section. (Section 16, Chapter 204, Acts of 1899; Sections 3, 4, 5, 6, 7, and 8, Chapter 26, Acts of 1901.)

SEC. 21. The municipal corporation within the provisions of this Act shall have no power to levy in any one year, for ordinary corporate purposes, a higher rate of tax than one per cent of the assessed value of the taxa-

ble property within its limits; and the word "ordinary" is to embrace all expenses for fire, police, street, gas, water, and all other purposes strictly municipal, excluding interest on debt and tax for sinking fund, or a tax to pay any judgment against the city, or in obedience to any mandamus, or expenses for schools, for which an additional levy may be made. (Section 22, Chapter 114, Acts of 1883.)

SEC. 22. It shall be the duty of the City Council of such corporation, each year, within thirty days after the Board of Public Works and Affairs, which is hereinafter created, shall have submitted its estimate, to agree upon a budget for the expenses of the next ensuing year, which shall designate the offices of the corporation for the year, with the salary of each; and under general heads, such as streets, fire department, gas, water, police, etc., the subjects of corporation expenditures, and the estimated amount run out in figures of the probable expenditures for each purpose. This budget shall be published in one of the newspapers of the city. (Section 23, Chapter 114, Acts of 1883.)

SEC. 23. Any Mayor, Councilman, officer, or employee of the corporation, or other person intrusted with the collection or disbursement of the corporation funds, who shall knowingly violate any of the provisions of the two next preceding sections, or aid in such violation, or who shall create, or aid in creating, any liability of the corporation beyond the expenses as fixed by the budget in the modes especially designated, shall be civilly liable to the corporation for the excess and for any loss to the corporation, and, on conviction, shall be fined not less than twenty-five dollars and imprisoned in the county jail not less than one week. (Section 24, Chapter 114, Acts of 1883.)

SEC. 24. The budget for the ordinary and extraordinary expenses of the city government controlled by this Act for any one year shall not exceed the amount of revenue actually collected during the year immediately preceding the one for which said budget is intended; *provided,* that the proceeds of the sales of any bonds made in any year may be added to the budget for that year and included in the expenditure to be made, even though in excess of the amount of revenue actually collected during

the preceding year. And no fund appropriated in said budget for one department of said city government shall be transferred to or used in defraying the expenses of any other department of said city government; *provided*, that the City Council may, upon the recommendation of the Mayor and Board of Public Works, authorize, by resolution, the transfer of funds from one department to defray the expenses of another department; *provided, further*, that this provision shall not apply to the sinking fund. It shall be lawful for the cities controlled by this Act to embrace in their budgets for any one year revenue carried in the budget for the preceding year and which has not been expended during such preceding year; *provided, however,* that nothing herein contained shall authorize the corporate authorities of cities controlled by this Act from departing from their present plan of making their budgets except as herein expressly authorized. (Section 17, Chapter 20, Acts of 1899; Section 9, Chapter 26, Acts of 1901; Section 1, Chapter 63, Acts of 1909.)

SEC. 25. This Act is declared to be a public Act, and may be read in evidence in all courts of law and equity; and all ordinances, resolutions, and proceedings of the city may be proved by the seal of the corporation, attested by the Recorder; and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof. (Section 25, Chapter 114, Acts of 1883.)

SEC. 26. There shall be a Board of Public Works, composed of three members, who shall be elected by the qualified voters of such city, and who shall be freehold electors, who shall be at least thirty years of age, and who shall have been bona-fide residents of the territory embraced within the corporate limits of said city for at least five years immediately preceding their election. They shall be elected at the regular biennial election, and shall hold office as herein provided and until their successors shall have been elected and qualified. The Board of Public Works shall perform all the duties and exercise all the powers and functions of the Board of Public Works and Affairs created by Section 26 of Chapter 114, Acts of 1883, except in so far as the duties, powers, and functions of said latter Board have been repealed, altered, or amended by laws passed subsequent to the passage of

said Chapter 114 of the Acts of 1883; *provided, however,* they shall have no supervision or control over any city official who is elected by the people, or supervision or control over anything pertaining to their office. The terms of office of the members of the Board of Public Works shall be six years, and one member of said Board shall be elected at each regular biennial city election; *provided,* that at the next biennial regular city election two members of said Board of Public Works shall be elected to take the places of the two members whose terms then expire. The candidate receiving the highest number of votes at said election shall hold office for six years, and the candidate receiving the next highest number of votes in said election shall hold office for four years. Should there be a tie vote between the two candidates receiving the highest number of votes at the next regular biennial city election, then the candidates receiving said tie vote shall choose by lot which of the two shall serve as a member of said Board of Public Works for six years, and the other shall serve for four years. At the regular biennial city election in the year 1903, one member of said Board of Public Works shall be elected for a term of six years to take the place of the member whose term then expires. After the regular biennial city election in the year 1903, one member of said Board shall be elected for a term of six years at each succeeding biennial city election. The compensation for each member of said Board shall be three thousand dollars per annum, payable monthly. Before entering upon the duties of his office, each member of said Board shall take and subscribe to the following oath: "I do solemnly swear that I will support the Constitutions of the State of Tennessee and of the United States, and that I will faithfully, zealously, and impartially discharge the duties of this office without fear or favor and for the public welfare. So help me God."

Immediately after qualifying, said Board shall elect a Chairman from among its members, who shall preside at all meetings of the Board. In the event of a failure to elect said Chairman after ten days, the Mayor shall appoint said Chairman.

In the case of death, resignation, removal, or non-residence of any member of the Board, the Mayor shall appoint a suitable person to serve until a successor can be

elected at the next regular election to fill out the unexpired term. All bills for public improvement and public expenditure shall be prepared and signed by the Board of Public Works and introduced in the City Council by the Board of Public Works, and said bill shall be known as the bill of the Board of Public Works. (Section 10, Chapter 204, Acts of 1899; Section 1, Chapter 61, Acts of 1901; Section 1, Chapter 31, Acts of 1907.)

SEC. 27. Each member shall give bond, with not less than three sureties, to the satisfaction of the Mayor and City Council, in the sum of not less than ten thousand dollars, conditioned for the faithful performance of his duties and the proper distribution of and accounting for all moneys coming into his hands in his official capacity, which sureties shall be required to justify in the aggregate to the amount of thirty thousand dollars above all liabilities; and such bond shall be approved by the Mayor and City Attorney, filed with the Recorder, and enrolled by him in a book to be kept for the purpose of enrolling all official bonds. (Section 27, Chapter 114, Acts of 1883.)

SEC. 28. The members of said Board of Public Works and Affairs shall devote their time and attention to the duties of their office, and shall not engage actively in any other business. (Section 28, Chapter 114, Acts of 1883.)

SEC. 29. Said Board of Public Works and Affairs shall hold regular meetings at least once in every week, and as much oftener as the business intrusted to its care shall require; and two members of said Board shall constitute a quorum for the transaction of business. The ayes and noes shall be called and entered upon a journal upon the passage of every resolution or order of any kind, and no order or resolution shall be adopted unless two votes are recorded in its favor. Said meetings shall be held at stated times, and no call meeting shall be held until notice of the call meeting has been given by the Recorder to each member, and no business shall be done at any call meeting unless such notice has been given. (Section 29, Chapter 114, Acts of 1883.)

SEC. 30. The Board shall keep a complete record of all its proceedings, and a copy from its records, certified to by the Clerk of said Board, shall be competent evidence in all courts of this State. (Section 30, Chapter 114, Acts of 1883.)

SEC. 31. The members of the Board shall have seats in the City Council of such city and be entitled to take part in its proceedings and deliberations on all questions relating to matters under their charge, subject to such rules as the Mayor and City Council shall from time to time prescribe, but without the right to vote, and one of the Board may be compelled to attend every meeting of the City Council. (Section 31, Chapter 114, Acts of 1883.)

SEC. 32. The Board shall have exclusive power to employ such chiefs or heads of departments, policemen, firemen, workhouse employees, engineers, clerks, superintendents, laborers, and other persons as it may deem necessary for the execution of its duties, and fix their salaries and compensations; but the salaries of all such employees and agents shall be fixed within limits prescribed by the Mayor and City Council, and any of them (except policemen and firemen and other employees of the police and fire departments) (Section 24, Chapter 204, Acts of 1899) may be discharged at any time by the Board of Public Works and Affairs, at their discretion. [Nine hours shall constitute a day's labor for all employees of the street, waterworks, or scavenger departments of such city. (Section 22, Chapter 204, Acts of 1899.)] The Board of Public Works and Affairs shall not elect or employ or appoint or contract with any one who is related to any member of said Board, or to the Mayor or any Alderman, within the sixth degree of consanguinity or affinity under the civil law; *provided, however*, that in all cases of vacancies in the police and fire departments, whether by resignation, discharge, or in any other manner, it shall be the duty of such Board of Public Works to fill such vacancies from the list of substitutes of the police and fire departments in all cases where there are such substitutes at the time any such vacancy or vacancies occur in such police or fire departments; *provided, further*, that the Board of Public Works shall have the sole right and authority to appoint the substitutes. (Section 32, Chapter 114, Acts of 1883; Section 1, Chapter 299, Acts of 1903; Section 1, Chapter 55, Acts of 1909.)

SEC. 33. The Board of Public Works and Affairs shall have the exclusive power and control over the construction, supervision, cleaning, repairing, grading, and improving of all streets, alleys, avenues, lanes, public

wharves and landings, market houses and spaces, bridges, sewers, drains, ditches, culverts, canals, streams and water courses, sidewalks, curbing, and the lighting of all such public places as may be deemed necessary within the corporation; to fix and establish the grades of all streets and alleys, avenues and thoroughfares. They shall also have the power, supervision, and control over the construction, repairing, cleaning, lighting, and heating of all public buildings and over all public improvements of such city or corporation (except public-school buildings and grounds—Chapter 8, Acts of 1893). They shall have exclusive power to make all improvements and expenditures within the budget (except in relation to public schools and public-school buildings and grounds—Chapter 8, Acts of 1893), which shall cost less than five hundred dollars, but shall let all contracts of over fifty dollars to the lowest responsible bidder. The said Board shall have exclusive power to organize and control the waterworks and its appurtenances and the workhouse of said cities. (Section 33, Chapter 114, Acts of 1883; Section 23, Chapter 204, Acts of 1899.)

SEC. 34. The Board of Public Works and Affairs shall, on or before the day fixed in each and every year, prepare and submit to the Mayor and City Council of said city an itemized estimate of the amount of money necessary and advisable, in their opinion, to spend in the execution of the duties intrusted to them for the ensuing year, giving in detail the plans of construction, repairs, and estimates of expenditures and salaries, etc., proposed by them, with the estimated cost of each improvement or salary, specifying for what department required, as streets, sewers, public buildings, police, waterworks, fire departments, and all departments of the city, etc.; and it shall be the duty of said Mayor and City Council, in their annual levy of taxes, to make such levy as, in their judgment, shall be necessary and advisable; and the amount so levied shall be collected and carried to the credit of the Board of Public Works and Affairs, and shall not be diverted from said Board or used by said Mayor and City Council for any other purpose, but the same shall remain as a separate fund in the hands of the Treasurer of said city. Said Board shall not divert the tax levy of the Mayor and City

Council from the purposes or department for which it was levied. (Section 34, Chapter 114, Acts of 1883.)

SEC. 35. When the Board shall deem it advisable to make a contract for the execution of any work or purchase of any material for matters under its charge, a careful estimate shall be made of the cost of such work or material. (Section 35, Chapter 114, Acts of 1883.)

SEC. 36. In all cases where the estimated cost of any expenditure exceeds five hundred dollars, the Board shall transmit to the Mayor and City Council of said city, with its recommendations, an ordinance authorizing the said expenditures, with an estimate of the cost. (Section 36, Chapter 114, Acts of 1883.)

SEC. 37. Where the estimated expenditure for any public improvement, taken as a whole, amounts to more than five hundred dollars, before contracting for any part or portion thereof, whether the estimated cost of said part or portion amounts to more or less than five hundred dollars, the Board of Public Works shall transmit to the City Council of said city, with its recommendations, an ordinance authorizing said expenditure, with an estimate of the cost thereof. Said ordinance shall be signed by said Board, and shall be known as the bill or ordinance of the Board of Public Works. (Section 20, Chapter 204, Acts of 1899.)

SEC. 38. Upon the passage by the Mayor and City Council of such ordinance, it shall be the duty of the Board of Public Works and Affairs to advertise and let the work to the lowest competent and responsible bidder; *provided*, that said lowest bidder shall not employ convict labor in said work or any part of it. (Section 4, Chapter 127, Acts of 1893; Section 37, Chapter 114, Acts of 1883.)

SEC. 39. All contracts of the Board shall be made in the name of the Mayor and City Council of said city, executed in behalf of said Mayor and City Council by the presiding officer of the Board, under the seal of the corporation, and filed in the office of the Board. (Section 38, Chapter 114, Acts of 1883.)

SEC. 40. No member of the Board, or other person, whether in the employ of the Board or otherwise, shall have power to create liability on account of the Board or the funds under its control, except by express author-

ity of the Board, conferred at a meeting duly and regularly convened. (Section 39, Chapter 114, Acts of 1883.)

SEC. 41. If at any time it shall appear, in the judgment of said Board, that the levy made by the Mayor and City Council of said city for the current and ensuing year, for the use of the Department of Public Works and Affairs, is insufficient for properly conducting the affairs of the city, and for constructing improvements and repairs of such things as are committed to their charge, consistent with the health, comfort, and convenience of the inhabitants of such city, they shall so report to the said Mayor and City Council, furnishing, at the same time, an estimate of such deficiency, on receipt of which it shall be lawful for said Mayor and City Council, in their discretion, to make such additional appropriation, and proceed to make a special levy upon the taxable property—real, personal, and mixed—within said city, taxable for State purposes, but not to exceed the limit provided by this Act. (Section 40, Chapter 114, Acts of 1883.)

SEC. 42. No member, officer, or employee of the Board, nor any person related within the sixth degree by the civil law to any member of said Board, or to the Mayor or any Alderman, shall be directly or indirectly interested in any contract or work of any kind whatever under its direction; and any contract for work or material in which any such person shall have an interest shall be void. (Section 4, Chapter 114, Acts of 1883.)

SEC. 43. No money shall be paid at any time to any person claiming under a contract with the Board until such person shall have first filed with the Board his statement, under oath, disclosing the names of all persons directly or indirectly interested in the contracts or the proceeds or the profits thereof, declaring that no person other than those named are interested, and that no person forbidden by this Act has any interest in the same. (Section 42, Chapter 114, Acts of 1883.)

SEC. 44. When, in the opinion of the Board, it shall become necessary, in the prosecution of any work, to make alterations or modifications in the specifications or plans of a contract, such alteration or modification shall only be made by order of the Board; and such order shall be of no effect until the price to be paid for the same shall have been agreed upon, in writing, and signed by the con-

tractors and approved by the Board. The total cost of the work, with the addition of the price so agreed upon, shall not exceed the original estimate. (Section 43, Chapter 114, Acts of 1883.)

SEC. 45. No contractor shall be allowed anything for extra work caused by alteration or modification, unless an order is made or an agreement signed, as provided in the preceding section; nor shall he, in any case, be allowed more for such alterations than the price fixed by such agreement. (Section 44, Chapter 114, Acts of 1883.)

SEC. 46. All contracts made by the proper authorities of said city, when other conditions are equal, shall be given to parties, concerns, or manufacturers whose home office is in said city or in the county in which said city is located. (Section 21, Chapter 204, Acts of 1899.)

SEC. 47. The Board shall publish all resolutions declaring the necessity of improvements and expenditures over five hundred dollars, but an ordinance authorizing such improvements or expenditures over five hundred dollars must be passed by the Mayor and City Council on the recommendation of the Board of Public Works and Affairs before the work is done and the expenditures can be authorized. (Section 45, Chapter 114, Acts of 1883.)

SEC. 48. That any member of the Board may be removed from office for incompetency, inefficiency, neglect of duty, or misconduct in office, by a vote of three-fourths of all the members elected to the City Council of such city. (Section 46, Chapter 114, Acts of 1883.)*

SEC. 49. Upon specific charges, in writing and sworn to, being preferred against a member of the Board of Public Works and Affairs, the City Council, by a majority vote of the Board, may suspend such a member for ten days; and within ten days after the order of suspension the charges shall be tried by the said City Council, unless the accused asks for further time, in which case ten more days may be given him. During the continuance at the request of the accused his pay shall be stopped

*It would seem that the greater part, if not all, of this Section 46, as it appears in the original Act, and much of the next section (47), as it appears in the original Act, have been impliedly repealed by Sections 6, 8, and 10 of Chapter 204 of the Acts of 1899. Portions of both Sections 46 and 47, as they appear in the original Act (Chapter 114, Acts of 1883), have been here omitted, because said portions are clearly repealed by implication.

and deducted; but if the trial is delayed by the City Council, and not by the accused, then the suspension shall last ten days and no longer. Said City Council shall have power, by process issued by the President, to enforce the attendance of witnesses and the production of books and papers as evidence, to be executed by the Marshal, and he shall have power to administer the necessary oaths. If a member of the Board of Public Works and Affairs shall be adjudged, on such trial or inquiry, to have been guilty of the charge against him, the City Council shall have the power to punish by a three-fourths vote of the whole Board, by dismissal from office, or by a majority vote on a call of the roll, by further suspension, as, in their opinion, the grade of offense deserves. The decision of the City Council as to suspension or dismissal shall be final and not subject to revision, and it shall be transmitted to the Board of Public Works and Affairs to be entered on its records. (Section 47, Chapter 114, Acts of 1883. See note to preceding section.)

Sec. 50. There shall be a Board of Education, composed of nine members, who shall have been bona-fide residents of the territory embraced within the corporate limits of such city at least five years immediately preceding their appointment, and who shall be not less than twenty-five years of age, and who shall serve without compensation. Said members of said Board shall be appointed by the Mayor, subject to confirmation by a majority vote of the whole number of City Councilmen. All of said members of said Board shall be appointed by the Mayor before the first regular meeting of the City Council in January succeeding the next general election. Said Board shall, by lot, choose three members from among themselves who shall serve one year, three members who shall serve two years, and three members who shall serve three years; and thereafter three members of said Board shall be appointed by the Mayor each year, subject to confirmation by a majority vote of the whole number of City Councilmen, to fill vacancies thus occurring, and the term of office of said Board shall begin on the last Monday in January of each year. Before entering upon the duties of his office, each member of said Board shall take and subscribe to the following oath: "I do solemnly swear that I will support the Constitutions of the State of Ten-

nessee and the United States, and that I will faithfully and impartially discharge the duties of this office, and that the only considerations that shall influence me in the selection of teachers and other employees of the department shall be their fitness for the position and the welfare of the city, and I am in favor of the public-school system."

Immediately after qualifying, said Board shall elect a chairman from among its number, who shall preside at all meetings of said Board. Five members of said Board shall constitute a quorum for the transaction of all business. (Section 12, Chapter 204, Acts of 1899; Section 2, Chapter 31, Acts of 1907; Section 1, Chapter 400, Acts of 1907.)

SEC. 51. Said Board of Education shall have the power to fix upon its times for meetings and make such rules for its own government as it may think proper, but all meetings and the elections of teachers shall be held in such manner as may be provided by the City Council.

Said Board of Education shall have the power to prescribe the plan of instruction and organization of the public schools, subject to the approval of the City Council; and no change shall be made in such plan after it has been approved and adopted, except by and with the approval of the City Council. Said Board of Education shall have exclusive power to employ such superintendents, principals, teachers, janitors, and other persons as it may deem necessary for the execution of its duties, and fix their salary and compensation within such limits as the City Council may, by ordinance, prescribe; and it shall also have the exclusive power over the furnishing, repairing, cleaning, lighting, and heating of all public-school buildings, and also over the selection of locations and plans of all such buildings hereafter to be constructed, and all such plans and locations shall be subject to the approval of the City Council. Said Board of Education shall have exclusive power to pay the salaries of superintendents, principals, teachers, janitors, and other employees, and to make such other expenditures within their budget as shall cost less than five hundred dollars ($500) for any single expenditure; but in all cases when the estimated cost of any single expenditure, except salaries as above stated, exceeds five hundred dollars ($500), it shall

transmit to the City Council of said city, with its recommendations, an ordinance to authorize such expenditures, with an estimate of the cost.

Said Board of Education shall, on or before the day fixed in each year, prepare and submit to the Mayor and City Council for approval and adoption an estimate of the amount of money which will be required for the maintenance of the public schools for the succeeding calendar year, beginning on the first day of the following January, which estimate shall set forth the various items of expense as accurately as possible, the salaries attached to the various positions being set out in detail; and it shall be the duty of said Mayor and City Council, upon its approval and adoption in their annual levy of taxes, to make such levy as in their judgment shall be necessary and advisable to meet the expenditures contemplated in such estimate; and the amount so levied, together with the share of the State and county school fund to which the citizens of cities to which this Act applies are entitled, shall be collected and carried to the credit of the Board of Education, and shall not be diverted from said Board or used by said Mayor and City Council for any other purpose, but the same shall remain as a separate fund in the hands of the Treasurer of the said city. In case of a deficit in the school fund for any year, the Mayor and City Council may, by ordinances, supply the same by a supplementary appropriation from the general fund.

Any member of the said Board of Education may be removed from office for incompetency, inefficiency, neglect of duty, or misconduct in office upon impeachment and by a vote of two-thirds of the members elected to the City Council of said city. Any vacancy in the Board of Education occasioned by death, removal out of the city, or otherwise, shall be filled for the unexpired term under the same rules as other appointments of the members of the Board.* (Section 2, Chapter 400, Acts of 1907.)

SEC. 52. There shall be a Board of Health, composed of three members, who shall have been bona-fide residents

*Some doubt formerly existed as to whether or not Chapter 8, Acts of 1893, was impliedly repealed by Section 12, Chapter 204, Acts of 1899. This question was settled by the passage of Section 2, Chapter 400, Acts of 1907, which certainly was intended to take the place of said Chapter 8, Acts of 1893.

of the territory comprised within the limits of such city for at least five years immediately prior to their appointment. Said members of said Board shall be reputable physicians of such city, and shall serve without compensation for a period of three years. They shall be appointed by the Mayor, subject to confirmation by a majority vote of the whole number of City Councilmen. All of said members of said Board shall be appointed by the Mayor before the first regular meeting of the City Council in January succeeding the general election. The Board shall, by lot, choose one member among themselves who shall serve one year, one member who shall serve two years, and one member who shall serve three years; and, thereafter, one member of said Board shall be chosen by the Mayor, subject to confirmation by a majority vote of the whole number of Councilmen, each year, to fill vacancies thus occurring, and the term of office shall begin on the last Monday in January of each year. Before entering upon the duties of his office, each member of said Board shall take and subscribe to the following oath: "I do solemnly swear that I will support the Constitutions of the State of Tennessee and the United States, and that I will faithfully and impartially discharge the duties of this office for the safety and general welfare of the public. So help me God."

Immediately upon qualifying, said Board shall elect one of its members as Chairman, who shall preside at all meetings of the Board, and the Clerk of the Board of Public Works shall be the Clerk of said Board. The Board of Health shall, in case of a vacancy in the office of the City Health Officer, appoint his successor, who shall have been a bona-fide resident and practicing physician, in good standing, of said city for at least five years immediately prior to the time of his appointment. The salary of the City Health Officer of cities controlled by this Act shall be twenty-five hundred dollars per annum, payable monthly.

The power and authority conferred upon the Board of Civil Service Commissioners be, and the same is hereby, extended so as to include and embrace the office of the City Health Officer, said officer to be placed under the supervision of said Board as to punishment and discharge for cause; that said officer shall not be punished or dis-

missed from office except after a trial and conviction by said Board in the manner provided by law. In event of a trial resulting in the punishment or dismissal of said Health Officer, said Board of Civil Service Commissioners shall notify the Board of Health thereof, who shall thereupon appoint some other suitable person to fill said vacancy, temporarily in case of punishment by suspension, or permanently in case of punishment by dismissal. (Section 13, Chapter 204, Acts of 1899; Section 1, Chapter 31, Acts of 1907; Sections 1, 2, and 3, Chapter 261, Acts of 1909.)

SEC. 53. (1) There shall be a Board of Park Commissioners, composed of five members, who shall have been bona-fide residents and citizens of such city at least five years prior to their appointment. The first members of said Board shall be appointed by the Mayor of such city on or before the first day of May, 1901, one for one year, one for two years, one for three years, one for four years, and one for five years; and the said Mayor shall designate the respective terms of each, said appointments to be approved by a majority of the members of the City Council. Upon a vacancy by resignation, death, or the expiration of the term of office of any member, or otherwise, his successor shall be elected by the remaining members of said Board of Park Commissioners, subject to the approval of a majority of the members of said City Council. The term of office of the members of said Board, except as above provided for the members appointed by the Mayor, shall be for five years from the first day of May of the year he was appointed, or until his successor is selected and approved and has qualified. The members of said Board shall devote such time and attention to the duties of their office as the efficient performance thereof may demand and require, and their services shall be without compensation. Each member appointed or selected to serve upon said Board, before proceeding upon the duties of his office, shall qualify by making oath or affirmation before the Recorder of such city, as follows: "I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Tennessee, and will faithfully and impartially perform and discharge the duties of this office."

Each member of said Board of Park Commissioners

shall execute a bond, payable to the Mayor and City Council, in the sum of ten thousand dollars ($10,000), conditioned that he will faithfully perform all duties incumbent upon him as a member of said Board, which bond shall be approved by the Mayor and filed with the Recorder. The members of said Board shall immediately upon their appointment and qualification, as above provided, organize by selecting one of their number as Chairman, and by the election of a Secretary, who need not be a member of the Board. The term of office of the Chairman and Secretary shall each be one year, but they may be reëlected to any number of successive terms. The salary of the Secretary shall be fixed by said Board in an amount not exceeding one thousand two hundred dollars per annum, and his duty shall be prescribed by said Board. (Section 2, Chapter 117, Acts of 1901.)

(2) Whenever, in the opinion of the said Board of Park Commissioners, property shall be needed for any park purposes, said Board may acquire the same by purchase, or may by resolution recommend to the City Council that the same is needed, when the said City Council is authorized to condemn the same. The proceedings for such condemnation shall be as prescribed in Section 17, Subsection 35, of said Chapter 114 of the Acts of the General Assembly of the State of Tennessee, 1883. The said Board shall be authorized to establish one or more parks in such locality or localities as they deem in their discretion best for the interest of the city within which said Board exists. The title to all property acquired for park purposes by gift, devise, or condemnation shall vest in the Mayor and City Council, but the legal title to all property acquired by said Board of Park Commissioners by purchase shall be taken in the name of the Chairman of said Board of Park Commissioners, as trustee, until fully paid for; and the Mayor and City Council shall in no wise be responsible for any portion of the purchase money agreed to be paid therefor, except it is agreed by ordinance, duly enacted, to purchase said land, whereupon said trustee shall immediately convey the same to said Mayor and City Council. Said Board of Park Commissioners shall have full power and authority to purchase any land deemed by them suitable for park purposes, and to execute notes or bonds therefor, with interest, payable

annually or semi-annually, maturing at such time as may be agreed upon, signed by the Chairman and Secretary of said Board, and to secure the purchase money due for the same by mortgage or vendor's lien upon the property purchased, and may sell any portion thereof not needed for park purposes by direction of a majority of said Board of Park Commissioners, and apply the proceeds of any property so sold to the payment of the mortgage or vendor's lien given to secure the purchase money for the whole until said mortgage or lien shall be fully satisfied, whereupon any of said property remaining unsold shall immediately be conveyed by said Trustee to the Mayor and City Council. (Section 1, Chapter 204, Acts of 1903.)

(3) Said Board of Park Commissioners, constituted as aforesaid, shall have the care, management, and custody of all parks and grounds used for park purposes, and all such property as may hereafter be acquired for park purposes by said Board of Park Commissioners. The said Board of Park Commissioners shall, with the approval of the Council, have power to receive gifts, donations, or devises of land, or may accept other property for park purposes; to lay out and improve walks, drives, roads, tree planting, and other improvements to park or parks, and to enter into all contracts for the same; protect all property and improvements belonging to or pertaining to said parks, or under their management or control, from injury or decay; to adopt rules and ordinances regulating the reasonable and proper use of, preventing injury to and misuse of, all parks, walks, walkways, and park property generally, and to prevent disorder and improper conduct within the precincts of the park or inclosure, and providing punishment therefor, or for the infraction of the rules adopted by said Board of Park Commissioners; and the police power of the city in or adjacent to which said park or parks may be situated shall extend over such park property or properties of every kind, as the same is or shall be acquired; and all violations of such rules and ordinances adopted by said Board of Park Commissioners and all other misdemeanors and offenses committed within any park property or precincts may be punished by the City Courts of such city upon complaint and proceedings as now provided by

law in cases of misdemeanor and violations of city ordinances. The said Board of Park Commissioners, and their agents and employees, will have the power to make arrests for misdemeanors committed within any park precinct or any violation of any of the park rules or ordinances. (Section 4, Chapter 117, Acts of 1901.)

(4) The Board of Park Commissioners shall have exclusive power to employ and pay such superintendents, employees, and other persons as it may deem necessary for maintaining, improving, and controlling all park property, and it shall have authority to make any other expenditures for park purposes within the amount of the special tax hereinafter provided for. Said Board of Park Commissioners shall each year, prior to the making of the annual levy by the City Council, prepare and submit to the City Council an estimate of the amount of money which will be required for the purchase, maintenance, and improvement of park property for the succeeding year, beginning January 1, which estimate shall set forth the items of expense as accurately as possible; and it shall be the duty of the City Council, and it is hereby authorized, in its annual levy of taxes, to make such special levy for park purposes separate and distinct from its levy for ordinary municipal purposes, a tax not less than one cent nor more than five cents on the one hundred dollars of the value for assessment within said city, as shall be necessary to meet the expenditures contemplated in said estimate of the Board of Park Commissioners; and the amount so levied shall be collected and carried to the credit of the Board of Park Commissioners, and shall not be diverted therefrom, and the same shall remain a separate and distinct park fund in the hands of the Treasurer of the city. All expenditures on account of this fund shall be made upon vouchers, approved by the Park Commissioners, through its Chairman and Secretary, which vouchers shall, when accompanied by detailed statements of such expenditures, be payable on presentation to the revenue office of the city; *provided, however*, that it shall be the duty of the Board of Park Commissioners to appropriate the first funds raised under the special levy herein authorized to the acquisition of park sites in North, East, and South Nashville, at such places as the Board may select and agree on, and the preparing of

such sites for public parks. All funds arising from any sources which are to be devoted to or used for the maintenance and betterment of public parks owned or controlled by municipal corporations organized under this Act shall be paid from time to time to the City Treasurer of Nashville, and a separate account thereof kept, except such as may be derived from taxation levied for that purpose by the Mayor and City Council of such corporations. The Park Commission, through its proper officials, shall be authorized to draw from time to time upon the funds set apart as herein provided; and it shall be the duty of the Treasurer of such municipality to pay such checks whenever drawn, so long as there is a balance to the credit of the account of public parks created under this Act; but the money so drawn shall be used by the Board of Park Commissioners to repair, improve, and maintain the public parks in and near the city of Nashville under the management of said Board of Park Commissioners. (Section 5, Chapter 117, Acts of 1901; Sections 1 and 2, Chapter 162, Acts of 1905; Section 1, Chapter 345, Acts of 1909.)

(5) Said Board of Park Commissioners shall make a report to the Mayor and City Council during the month of December of each year, showing amounts received, from what sources, how expended, with such explanations and recommendations as may be deemed to the best interest of the public parks. Books of account of said Board and of all officers thereof shall at all times be open to the inspection and examination of the Mayor and City Council, or of any accountant designated by the said Mayor and City Council to make the examination. (Section 6, Chapter 117, Acts of 1901; Section 3, Chapter 162, Acts of 1905.)

(6) The City Council may from time to time, upon application therefor, made by the Board of Park Commissioners, provide by ordinance for special park police, the same to be under the control of the Board of Park Commissioners. (Section 7, Chapter 117, Acts of 1901.)

(7) The term "park property," as used in this Act, shall include all parks and areas of land within the management of said Board of Park Commissioners, and all buildings, structures, and improvements thereon of every

kind and character whatever. (Section 8, Chapter 117, Acts of 1901.)

SEC. 54. The Treasurer, Comptroller, City Marshal, and Tax Assessor of such city shall be bona-fide residents of the territory embraced within the corporate limits of such city for at least five years immediately prior to their election. They shall be elected by the qualified voters of such city at the general election and hold office for a term of four years, or until their successors shall have been elected and qualified. The salaries of said officers of Treasurer and Comptroller shall be two thousand five hundred dollars per annum, and that of the Tax Assessor two thousand five hundred dollars per annum, and that of the City Marshal one thousand eight hundred dollars per annum, payable monthly. In the event of a vacancy in any one of said offices, the Mayor shall appoint a suitable person to fill said vacancy, who shall hold office until the next biennial election, when a successor shall be elected to fill the unexpired term. The City Treasurer, Comptroller, and Tax Assessor shall each be entitled to one assistant. The compensation of the Assistant Treasurer and Assistant Tax Assessor shall be one thousand eight hundred dollars per annum, payable monthly. The compensation of the Assistant Comptroller shall be one thousand eight hundred dollars per annum, payable monthly. (Section 14, Chapter 204, Acts of 1899; Section 1, Chapter 59, Acts of 1901; Section 1, Chapter 66, Acts of 1901; Section 1, Chapter 31, Acts of 1907; Section 1, Chapter 2, Acts of 1909.)

SEC. 55. There shall be a Judge of the City Court, who shall be elected by the qualified voters of such city at the general election, and who shall hold office for four years. Said Judge shall be a qualified voter of the territory embraced within the corporate limits of such city for at least five years immediately prior to his election, and shall not be less than twenty-five years of age at the time thereof. Before entering upon the execution of the duties of his office he shall take and subscribe to the following oath: "I do solemnly swear that I will support the Constitutions of the State of Tennessee and the United States, and that I will faithfully and impartially perform the duties of my office without fear or favor. So help me God." The salary of said Judge shall be two thousand

dollars per annum, payable monthly. (Section 18, Chapter 204, Acts of 1899; Section 1, Chapter 318, Acts of 1907; Section 1, Chapter 31, Acts of 1907; Section 1, Chapter 23, Acts of 1909.)

SEC. 56. There shall be a City Attorney of said city, whose term of office shall be four years from the date of his election, and whose salary shall be two thousand five hundred dollars per year, payable monthly. He shall be elected by the qualified voters of the city at the general election. (Section 19, Chapter 204, Acts of 1899; Section 1, Chapter 76, Acts of 1901.)

SEC. 57. There shall be a Board of Civil Service Commissioners, composed of five members, one of whom shall be the Mayor, who shall be Chairman of said Board, and four members who shall be freeholders or householders and bona-fide residents of the territory embraced within the corporate limits of such city for at least five years prior to their appointment. The four members of said Board shall be appointed by the Mayor, subject to confirmation by a majority vote of the whole number of City Councilmen (they shall hold office for two years, and until their successors are appointed and qualified), and shall serve without compensation. In case of a vacancy among the said members of said Board, the said vacancy shall be filled by the Mayor, subject to confirmation by the City Council, as aforesaid. The term of office of the Police and Fire Commissioners shall end at the same time as that of the office of Mayor and commence at the same time the Mayor's term begins. Said Commissioners shall have inquisitorial powers over the police and firemen of said city, and may prefer charges against them of their own motion. Said members shall be required to take the same oath as prescribed herein for the Judge of the City Court of such city. It shall be the duty of said Board of Civil Service Commissioners to make all rules and regulations for the government of the police, fire, waterworks, and lighting departments of said city; to punish by dismissal from office, or otherwise, any officer, patrolman, fireman, superintendent, engineer, or other person employed in said department, except common laborers, for any offense committed by them. No officer, patrolman, fireman, superintendent, engineer, or other employee of said department, except common laborers, shall be pun-

ished, except after a trial and conviction by said Board upon a written charge or charges, and a copy of said charges shall be furnished accused at least five days prior to such trial. Said charge or charges shall plainly and specifically set forth the offense or offenses charged, and shall be recorded by said Board in a journal kept for that purpose. No officer, patrolman, fireman, or other employee of said departments shall be tried or punished for a political or religious belief or practice. For the purpose of investigating the conduct of any such officer, patrolman, fireman, superintendent, engineer, or other employee of said departments, said Board shall have the power to issue subpœnas compelling the attendance of witnesses, the production of books, papers, and other documentary evidence, and to punish by contempt proceedings any person failing or refusing to answer or obey said summons, or to give or produce testimony before said Board. Said Board shall have power to fine and imprison such persons guilty of such contempt. All punishments inflicted by said Board shall be entered in a journal kept for that purpose, and said Board shall notify the Board of Public Works of any and all dismissals from office or of any reductions in the ranks of such employees, and the Board of Public Works shall thereupon appoint some other suitable person to fill said vacancies; *provided,* that such vacancies among the officers of the said police, fire, waterworks, and lighting departments, caused by such dismissals or disratings, shall be filled by said Board of Public Works by promotion from inferior ratings. The Board of Public Works shall have the exclusive right and power, and it shall be its duty, to appoint the officers, patrolmen, firemen, superintendents, engineers, and other employees of the police, fire, waterworks, and lighting departments of such city, and shall have control and supervision of the operations of all of said departments and the management of the employees of same (except as to trial and punishment); but the employees of the police department (except as to trial and punishment) shall be under the exclusive supervision and control of the Mayor of said city. The Board of Civil Service Commissioners shall hold at least one regular meeting each month, but the Mayor may convene said Board in extraordinary session whenever, in his judg-

ment, he may deem it necessary. The Secretary of the Mayor shall be Clerk of said Board. Three members of the Board shall constitute a quorum for the transaction of all business; *provided, further,* that the duty and authority above conferred upon the Board of Civil Service Commissioners, with reference to the police, fire, waterworks, and lighting departments, be, and the same is hereby, extended so as to include and embrace the office of Secretary of the Board of Public Works, the office of Superintendent of the Scavenger Department, the office of Superintendent of the Street Department, the office of Superintendent of the City Hospital, the office of Superintendent of the Sprinkling Department and Keeper of the Workhouse, the office of the City Engineer, the office of Inspector of Marketing, the City Prescriptionist and Assistant City Prescriptionist and the City Health Officer; and that said officers be placed under the supervision of said Board as to punishment and discharge for cause; that none of said officers shall be punished or dismissed from office except after a trial and conviction by said Board in the form and manner and under the method of procedure above provided; and the said Board shall notify the Board of Public Works of any and all dismissals from office, and the Board of Public Works shall thereupon appoint some other suitable person to fill said vacancies. (Section 10, Chapter 26, Acts of 1901; Section 1, Chapter 62, Acts of 1901; Section 1, Chapter 287, Acts of 1907; Section 3, Chapter 31, Acts of 1907; Section 1, Chapter 31, Acts of 1907; Section 1, Chapter 47, Acts of 1909; Section 1, Chapter 222, Acts of 1909; Section 3, Chapter 261, Acts of 1909.)

SEC. 58. At the next general election after the passage of this Act there shall be elected, in pursuance hereof, a Mayor, twenty Councilmen, three members of the Board of Public Works, a City Treasurer, Comptroller, City Attorney, City Marshal, Tax Assessor, and a Judge of the City Court for such cities controlled by this Act, who shall be sworn into office on the Tuesday following said election. (Section 25, Chapter 204, Acts of 1899.)

SEC. 59. Territory adjoining any corporation organized under this Act may be added thereto and included in the corporation limits thereof, as follows: Twelve citizens, resident freeholders in the territory proposed to be added

and included in the corporate limits of the city, shall sign a petition, in writing, under their signatures, in which shall be described by metes and bounds the particular territory proposed to be added and included, and shall submit the same to the Mayor and City Council of said city for consent and approval. If the city authorities aforesaid consent, and a majority of the citizens who are legally qualified voters in the territory consent, the said territory shall become a part of said corporation. To test the sense of the voters in said territory and obtain their consent, or the consent of a majority of them, an election shall be held at some convenient and public place in said territory, and each voter entitled to vote for members of the General Assembly who has resided in said territory for more than six months, and each non-resident freeholder who shall be a citizen of the State and shall have owned a freehold in said territory for six months previous to said election, shall be a qualified voter, and no other shall be. The Sheriff of the county in which the corporation is situated shall hold the election, shall give twenty days' notice of time and place and purpose of the election, and shall make a return of the result to said city authorities; and if a majority of the qualified voters be in favor of the addition and incorporation with the city, then said territory shall become a part of said city. (Section 48, Chapter 114, Acts of 1883.)

SEC. 60. The police force of said cities shall be known and designated as the metropolitan police. It shall consist of one Chief of Police, one Chief of Detectives, and such number of lieutenants of police, sergeants of police, detectives, patrolmen, and other employees as the Mayor and City Council may from time to time fix by ordinance. The compensation to be paid by said cities to the members of the metropolitan police force shall be as follows: Chief of Police, one thousand eight hundred dollars per annum; lieutenants, ninety dollars per month; sergeants, eighty dollars per month; detectives, eighty dollars per month; chief of detectives, one hundred dollars per month; patrolmen (including sanitary inspectors), seventy-five dollars per month; sanitary disinfector, one hundred dollars per month; officer detailed for special service in the law department, one thousand five hundred dollars per annum, payable monthly; driver of patrol

wagons and wagon men, seventy-five dollars per month; officers detailed for service at the market house, eighty dollars per month. The Fire Department of said city shall be composed of one chief, one assistant chief, one superintendent of fire alarm and an assistant, and such number of captains, lieutenants, engineers, laddermen, pipemen, drivers, and other employees as the Mayor and City Council may from time to time fix by ordinance. The compensation to be paid by said cities to the members of the Fire Department shall be as follows: Chief of Fire Department, one thousand eight hundred dollars per annum; Assistant Chief of Fire Department, one thousand five hundred dollars per annum; captains, eighty-five dollars per month; engineers, eighty-five dollars per month; lieutenants, eighty dollars per month; driver for Chief of Fire Department, seventy-five dollars per month; Superintendent of Fire Alarm Signals, one thousand five hundred dollars per annum; Assistant Superintendent of Fire Alarm Signals, eighty dollars per month; firemen (including drivers), seventy-five dollars per month; *provided,* that the City Council of such cities shall have power by ordinance at any time to increase the compensation of members of the police force and fire departments as fixed herein. The metropolitan police shall possess all the common law and statutory powers of Constables, except for the service of civil process; and every warrant for search* or the arrest by an officer holding the City Court may be executed by any member of the metropolitan police. One of the members of the metropolitan police force of said city of Nashville serving as a Sanitary Inspector shall be designated as the "Sanitary Disinfector," and whose compensation shall be fixed at one hundred dollars ($100) per month. Said Sanitary Disinfector shall continue to be a member of the metropolitan police force, shall be appointed as other Sanitary Inspectors are appointed, and shall be governed by the same rules and regulations as govern other Sanitary Inspectors serving in the Health Department of said city of Nashville. (Sections 49 and 50, Chapter 114, Acts of 1883; Section 1, Chapter 487, Acts of 1903; Section 1,

* "Search," not "such," is the word in enrolled Act; and, therefore, the former should be used.

Chapter 327, Acts of 1907; Section 1, Chapter 2, Acts of 1909; Section 1, Chapter 34, Acts of 1909; Section 1, Chapter 221, Acts of 1909; Section 1, Chapter 477, Acts of 1909.)

SEC. 61. It is hereby made the duty of the metropolitan police force, at all times of the day and night, and the members thereof are accordingly hereby thereunto appointed, to especially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect the rights of persons and property, guard the public health, preserve order at elections, see that nuisances are removed, and restrain disorderly houses, houses of ill fame, and gambling houses; to assist, advise, and protect strangers and travelers in the public streets or at steamboat landings or railroad stations; enforce every law relating to the suppression and punishment of crime, or to the public health, or to disorderly persons, or any ordinance or resolution of the City Council in relation to police, health, or criminal procedure. (Section 51, Chapter 114, Acts of 1883.)

SEC. 62. The several members of the police force shall have power and authority to immediately arrest, without warrant, and take into custody any person who shall commit, threaten or attempt to commit, in the presence of such member, or within his view, any breach of the peace or offense directly prohibited by Act of the Legislature or by any ordinance of the City Council; but such member of the police force shall, immediately and without delay, upon such arrest, convey, in person, such offender before the proper officers, that he may be dealt with according to law; and the officer making such arrest shall at once, without delay, report the arrest and the alleged cause to his superior officer. (Section 52, Chapter 114, Acts of 1883.)

SEC. 63. Every person committed to the workhouse shall be required to work for the city at such labor as his health and strength will permit, within or without the said city, not exceeding ten hours each day; and for such work and labor the person so employed shall be allowed, exclusive of his board, a credit upon such fine and cost as seventy-five cents per day until the whole is discharged, when he shall be released. No person shall be compelled to work

longer than three months for any one offense. (Section 53, Chapter 114, Acts of 1883.)

SEC. 64. All property—real, personal, and mixed—which is subject to State taxes shall be assessed and listed for taxation, in the name of the owner or reputed owners, alphabetically for the entire city, without reference to wards. The assessments shall be made under the laws by which such property is assessed for State and county purposes, except as herein modified, but by an Assessor to be elected by the City Council of said corporation, who shall have the same powers as are conferred by law upon Assessors of State and county taxes. The Mayor and City Council of said cities are empowered to provide, by ordinance, for correction of erroneous assessments and for any defects in the assessments. The Mayor and City Council shall have the power to grant reductions of assessments, but not for a longer term than three years prior to the application for reduction. Privileges shall be taxed and collected as may be provided by city ordinance. Taxes on property and privileges shall become due and payable to such officers and at such times as the Mayor and City Council may by ordinance designate. In order to enforce collection of taxes on property when due, the Mayor and City Council are empowered by ordinance to affix a penalty to be paid by the taxpayer in addition to the legal rate of interest for the non-payment of taxes when due, such penalty not to be greater than six per cent on the amount due by said taxpayer and to be paid into the city treasury as other city taxes are. Collectors of taxes on property and privileges in said cities shall have power to issue distress warrants and *alias* and *pluries* distress warrants in the name of the Mayor and City Council of —— to enforce collections of the same; and such warrants, when issued, may be executed by a City Marshal, Constable, Sheriff, or such officer as may be designated by the City Council. For each return of *nulla bona* on said warrants there shall be a fee of twenty-five cents, to be taxed in the costs; and for each collection made under such warrant there shall be the same fees as for collecting under executions at law, which shall be paid by the delinquent taxpayer. Property omitted from the assessment lists may be assessed by the collector in office for a period running back not longer than three years.

Assessed taxes on realty shall be and remain a lien on the property until the same are paid; and such lien may, after return of *nulla bona*, be enforced as other liens. Collectors shall not make sales of realty and certify the same to the Circuit Court, but unpaid taxes, after return of *nulla bona*, should be collected either by suit at law or in equity. Compensation and bonds of Assessors and collectors shall be regulated by city ordinnace. (Section 54, Chapter 114, Acts of 1883; Section 1, Chapter 70, Acts of 1895.)*

SEC. 65. There shall be prepared and published by the City Council within one year after the passage of this Act, and once in every three years, a digest of all the ordinances and resolutions of a public nature in force. (Section 55, Chapter 114, Acts of 1883.)

SEC. 66. The share of the State and County School Fund to which the citizens of cities chartered under this Act are entitled shall be paid over by the County Trustee to the Trustees of said cities respectively. (Section 56, Chapter 114, Acts of 1883.)

SEC. 67. The officer designated by ordinance to hold the City Court shall have the power and exercise the functions of, and have concurrent jurisdiction with, a Justice of the Peace. He shall have the exclusive power to pardon and release persons convicted by him under city ordinances. In case of absence or inability, any Justice of the Peace may hold said court, which shall hereafter be known by the name of the City Court, and all process shall be issued in the name of the Mayor and City Council of ——. It shall be the duty of the Judge of the City Court in all cases where prisoners are brought before him who are guilty of a violation of the criminal laws of the State, as well as of the municipal ordinances of such city, to turn over such offenders immediately and forthwith to the Sheriff of the county in which such city is located, and not to fine and imprison for failure to pay such fine for the violation of such municipal ordinances. It is the intention of this Act to enable and authorize the Sheriff of such counties in which such cities are located to immediately and at once bring such offenders before

*Chapter 1, Section 84, Acts of 1897, applies to Nashville, so far as concerns the collection of back taxes, for all the years said Act remained in force.

the grand jury, there to be proceeded with as any other criminal cases, and not be delayed until such offenders have worked out a workhouse sentence imposed by the Judge of the City Court for the violation of municipal ordinances; *provided, however,* that nothing herein contained shall authorize the Sheriff of any county in which such city is located to remove from the custody of the Judge of the City Court any person arraigned before such court charged with the violation of a municipal ordinance, except and only in such cases where the violation of the municipal ordinance is based on facts which likewise constitute a violation of the criminal laws of the State of Tennessee. (Section 57, Chapter 114, Acts of 1883; Section 1, Chapter 465, Acts of 1909.)

SEC. 68. The title, right, and ownership of all property and all uncollected taxes, dues, claims, judgments, decrees, and choses in action belonging to, held or owned by, any city the charter of which has been repealed by an Act entitled "An Act to repeal the charters of all municipal corporations in the State of Tennessee having a population of thirty-six thousand and upwards," passed by the present Legislature, shall be, and are hereby, transferred to and vested in the corporations chartered by and organized under this Act, which shall supersede each respectively, with full power to enforce all rights of the corporation which it supersedes. (Section 58, Chapter 114, Acts of 1883.)

SEC. 69. Each corporation under this Act shall answer and be liable for all debts, contracts, and obligations of the corporation to which it succeeds, the same manner and proportion, to the same extent, as said corporation is liable under existing laws. (Section 59, Chapter 144, Acts of 1883.)

SEC. 70. There shall be at least two Stock Raiders and at least two Assistant Stock Raiders, whose duty it shall be to enforce all laws and ordinances prohibiting the straying of animals within the limits of said cities; and for this purpose the Stock Raiders and their assistants are hereby invested with police power. The compensation to be paid said Stock Raiders shall be, each, $900 per annum, payable monthly; and the compensation paid the Assistant Stock Raiders shall be, each, $780 per annum, payable monthly. Said Stock Raiders and their assist-

ants shall be chosen and appointed by the Board of Public Works of said cities, and shall be removed by said Board, but only for cause and upon a trial and hearing, of which due notice shall be given to the Stock Raiders and their assistants when charges have been preferred against them; *provided, however,* that in all of said cities controlled by Chapter 114 where, at the date of the passage of this Act, the office of Stock Raiders exists and officers have been appointed to hold said office there, such officers shall continue to hold their office under the terms and provisions of this Act, and shall be removed only for cause as hereinabove prescribed. (Section 1, Chapter 196, Acts of 1909.)

SEC. 71. (1) There shall be a Humane Society Board of Commissioners, composed of five members, who shall have been bona-fide residents and citizens of the city or town controlled by said Acts at least three years prior to their appointment. The first members of said Board shall be appointed by the Mayor of said city on or before the first day of June, 1909, and shall hold office as follows: One for one year, one for two years, one for three years, one for four years, and one for five years, and in making the first appointments of said Commissioners herein provided for, the Mayor shall designate the times for which his appointees shall hold their offices respectively, and said appointments shall be confirmed and approved by a majority vote of the whole number of the City Council.

Upon a vacancy by resignation, death, expiration of a term of office, or otherwise, of any member, his successor shall be selected by the remaining members of said Humane Society Board of Commissioners, subject to the approval and confirmation by a majority vote of the whole number of the City Council. The term of office of the members of said Board, except as above prescribed for the first members thereof to be appointed by the Mayor, shall be for five years from the first day of June of the year such member was appointed and confirmed or until his successor is selected and approved by the Council and has qualified for said office. No member of said Board shall receive any compensation for his services, and each member appointed or selected to serve upon said Board, before proceeding to enter upon the duties of his office,

shall qualify by making oath or confirmation before the Recorder of such city as follows: "I do solemnly swear that I will support the Constitution of the United States and of the State of Tennessee and the charter of the city of Nashville, and will faithfully and impartially perform and discharge all duties imposed upon me by virtue of this office."

Each member of said Board shall, before entering upon the duties of his office, execute a bond, payable to the Mayor and City Council of Nashville, in the sum of five hundred dollars ($500), giving solvent sureties thereon, conditioned that he will faithfully perform all duties incumbent upon him by law as a member of said Board, and said bond shall be approved by the Mayor and filed with the City Recorder. The members of said Board shall, immediately upon their appointment and qualification, as hereinbefore provided, organize by selecting one of their number as Chairman. Said Board shall hold regular meetings at least once a month and at such other times within the month as may be called by the Chairman of said Board. (Section 1, Chapter 64, Acts of 1909.)

(2) Said Humane Society Board of Commissioners is hereby authorized and empowered to acquire and hold the title to all property acquired by purchase, deed of gift, or otherwise for the use of said Board; but the title to all such property shall be taken in the name of the Mayor and City Council of said municipal corporations, but to be held by it in strict trust for the uses of said Humane Society Board of Commissioners and in strict accordance with the end and purposes for which the gift or dedication of such property was made to said Humane Society Board of Commissioners; and said property shall be exempt from State, county, and municipal taxation. (Section 2, Chapter 64, Acts of 1909.)

(3) It shall be the duty of said Humane Society Board of Commissioners to diligently and vigilantly observe the faithful execution of all ordinances, by-laws, and measures of such municipal corporations enacted for the purpose of prohibiting the cruel and inhuman treatment of children and animals; and for this purpose it shall be the duty of the Board of Public Works of cities controlled by Chapter 114 of the Acts of 1883 to provide three members of the metropolitan police force who shall be as-

signed to the Humane Society Board of Commissioners, and one of said members assigned shall act as Secretary for said Board, and who shall devote their entire time and attention to carrying out the orders of said Board and making arrests for the violation of all city ordinances prohibiting the cruel and inhuman treatment of children and animals, and the said police force of the cities controlled by Chapter 114 of the Acts of 1883 is hereby increased three men. The appointment of said three police force hereby assigned to the Humane Society Board of Commissioners shall be made by the Board of Public Works of such cities from a list of names submitted to it by a majority of the members of the Humane Society Board of Commissioners, and the compensation of said three police officers shall be as now fixed by law for other members of the metropolitan police force of such cities. (Section 3, Chapter 64, Acts of 1909.)

(4) Said Humane Society Board of Commissioners shall have power to employ and pay such other persons as may be necessary for the efficient and satisfactory performance of its duties, except the three police officers provided for in the preceding section; and said Board is hereby authorized and empowered to confer upon its appointees full police power and authority for the purpose of making arrests for the violations of all city ordinances prohibiting the cruel and inhuman treatment of children and animals, and, in addition, each member of said Board of Commissioners is likewise invested with police power and authority to make arrests for the violation of all municipal ordinances against the cruel and inhuman treatment of children and animals. All fines collected in the City Courts of cities controlled by this Act, or on appeal therefrom in the Circuit Courts, shall be paid to the City Treasurer of such cities, and shall constitute a separate fund, and shall be carried to the credit of the Humane Society Board of Commissioners, and shall be used strictly and exclusively for the purposes of said Board. All donations or contributions made for the purpose of advancing the ends and objects to be attained by said Humane Society Board of Commissioners shall be paid to the City Treasurer of said cities and by him kept separate for the use of said Board, to be used strictly for the ends and objects for which said Board was created. Said

Humane Society Board of Commissioners shall likewise submit to the City Council, on or before September 1 of each year, an itemized statement showing its financial needs for the coming year; and the City Council is hereby authorized and empowered to make provision in its annual levy of taxes for meeting the financial needs of said Board, and raising revenue for such purpose is hereby declared an ordinary purpose within the meaning of the charter of said cities providing for tax levies, and shall be so considered by said City Council. No money shall be drawn from the funds herein provided for the Humane Society Board of Commissioners except on vouchers drawn on said fund and signed by the Chairman of said Board and the Secretary thereof, and all expenditures exceeding five hundred dollars ($500) shall only be made upon an ordinance signed by the Chairman of said Board and passed by the City Council of said cities in the manner now provided by law for the passage of other ordinances. (Section 4, Chapter 64, Acts of 1909.)

(5) The compensation of all employees of said Humane Society Board of Commissioners shall be at such amounts as said Board may determine and fix upon, except the compensation provided for the three extra policemen assigned to said Board and hereinbefore provided for, whose compensation shall be the same as that received by other members of the metropolitan police force. (Section 5, Chapter 64, Acts of 1909.)

(6) It shall be the duty of said Humane Society Board of Commissioners to make quarterly reports to the City Council of such cities, which shall contain a full and detailed account of all their acts and doings, their recommendations for the enactment of such further ordinances as will subserve and advance the purposes for which said Board is created, together with a complete and itemized account of all receipts and disbursements. (Section 6, Chapter 64, Acts of 1909.)

Sec. 72. (1) A Board to be known as the "Board of Hospital Commissioners" is hereby created, said Board to consist of five (5) members, one of whom shall be a member of the City Council, who shall at the time of their election have been freeholders within the territory embraced within the corporate limits of said cities for five years prior to the time of their election; and none of

them shall be physicians and surgeons, but all shall be non-medical men. The first election of said Commissioners shall be made by the City Council of such cities at the first regular meeting thereof after the passage of this Act; and the first Commissioners elected under and by virtue of this Act shall hold their offices for terms of one, two, three, four, and five years; and their tenure of office shall be specified in the certificates of election issued to such Commissioners by the City Recorder of such cities. On the expiration of the terms of the first Commissioners as heretofore provided, their successors shall be elected by the City Council of such cities, and shall hold their offices for terms of two years from and after the date of their election and until their successors are elected and qualified. In case of any vacancy occurring in said Board of Hospital Commissioners by reason of death, removal, disability, or any other cause, such vacancy shall be filled by the City Council at its first regular meeting after it has been notified of the existence of such vacancy, and the person elected by the Council at such meeting shall hold for the remainder of the term for which his predecessor has been elected.

Before entering upon the performance of their duties as Hospital Commissioners, each and every member of said Board shall take and subscribe an oath before the City Recorder to the effect that he will support the Constitutions of the United States and of the State of Tennessee, and will faithfully strive to obey and carry into effect the duties imposed upon him by this Act. Each Commissioner shall likewise, before entering upon the performance of his duties, execute a bond to the Mayor and City Council in the sum of one thousand dollars ($1,000), conditioned that he will faithfully and truly perform the duties imposed upon him by law. No compensation shall be received by any member of the Board of Hospital Commissioners for any service performed by him as such Commissioner. (Section 1, Chapter 303, Acts of 1909.)

(2) It shall be the duty of the Board of Hospital Commissioners to exercise exclusive supervision, direction, and control over all public hospitals that may be erected, conducted, or maintained by the cities controlled by this Act, and to make all rules and regulations of a non-medi-

cal and non-surgical character for the regulation of such hospital or hospitals. Immediately upon their election by the City Council, said Board of Hospital Commissioners shall proceed at their first meeting to elect a Chairman of said Board, and shall also at such first meeting elect a Superintendent and Surgeon for each of such public hospitals within such cities, whose tenure of office shall be during good behavior, and who shall be subject to removal by said Board for cause upon charges in writing being preferred against him and a hearing had thereon before said Board after due notice. Such Superintendent and Surgeon shall receive as his compensation the sum of twenty-five hundred dollars ($2,500) per annum, payable monthly, and shall likewise receive, without expense to him, his board, laundry, and quarters at such hospital where he shall reside during his term of service. He shall devote himself entirely to the performance of his public duties at such hospital or hospitals. The Superintendent and Surgeon shall be a physician of reputable standing in his profession, a graduate in medicine, of skill and culture, but shall not be connected in any way with the medical colleges of the city during his term of service, and shall have at least five years' experience in the practice of his profession prior to the date of his election, two years of which shall have been spent by him in some reputable hospital. (Section 2, Chapter 303, Acts of 1909.)

(3) The Superintendent and Surgeon shall be superior to all other officers and employees at such hospital, except Superintendent of Steward Department, who shall be under control of Hospital Commissioners, and shall have power and authority to direct them in the performance of their duties, except as is herein otherwise expressly provided, and shall have power and authority to employ all nurses, attendants, and other hospital employees, except as herein otherwise provided for, whose compensation shall be fixed by the Superintendent and Surgeon, subject to the approval of the Board of Hospital Commissioners. All such nurses, attendants, and other hospital employees shall be subject to be discharged by the Superintendent for incompetency, inefficiency, neglect of duty, or for other cause; but the Superintendent shall in all cases of discharge report his reason therefor in writing to the Board of Hospital Commissioners, and a

copy of such report shall be preserved by the Secretary of said Board. The Secretary to the Mayor is hereby constituted the Secretary to the Board of Hospital Commissioners, and shall keep accurate and proper accounts of the meetings of said Board, which shall be held at least once a month and at such other times during the month as the Chairman of said Board may see fit to call said Board in session. (Section 3, Chapter 303, Acts of 1909.)

(4) There shall be a Hospital Staff, composed of two branches, one of which branches shall be selected by the medical faculties of Vanderbilt University, University of Tennessee, and the University of Nashville, of the city of Nashville, and the other branch shall be selected by a majority of the Board of Hospital Commissioners from the regular physicians and surgeons of such city who are not members of the medical faculties of any medical school or college in the city of Nashville. The members of the Hospital Staff shall serve for two years from and after the date of their selection by the medical faculties of the schools above named and by the Board of Hospital Commissioners. Upon the passage of this Act, the Board of Hospital Commissioners shall notify the Secretaries of the medical faculties of Vanderbilt University, University of Tennessee, and the University of Nashville to transmit to the said Board the names of two members of each of said faculties who have been selected by said medical schools as its representatives on the Hospital Staff, and to the persons so selected the Board of Hospital Commissioners shall issue certificates of commission as members of such Hospital Staff; *provided, however,* that the medical faculties of the three schools above named may, if they so elect, rotate their representatives on said Hospital Staff every two months; and in such cases the Secretaries of such medical school faculties shall notify the Board of Hospital Commissioners of such changes in their representation on the Hospital Staff, and such Board shall issue a certificate to such new representatives; but in no event shall more than two members of the medical faculty of any of the above-named medical schools serve on the staff at the same time. The other branch of the Hospital Staff, as herein provided for, shall be elected by the Board of Hospital Commissioners at their first regular meeting after the passage of this Act, and shall

hold their offices for two years from and after their election and until their successors are elected and qualified. Each branch of the staff shall consist of six members, and each branch shall attend to the hospital for a period of six months each year. The terms of attendance of each branch of the staff shall be designated by the Board of Hospital Commissioners; but the branch of the staff selected by the faculties of the medical colleges hereinabove named shall be given, if possible, the terms of attendance which shall cover as nearly as possible the sessions of the various medical schools located in the city of Nashville. Any member of either branch of the staff who shall attempt in any manner to transfer to any other physician or surgeon not a member of such staff, and not the Superintendent and Surgeon of such hospital, the performance of any duties resting upon him as a member of the staff, shall forfeit his right to be a member of the staff, and shall not be eligible for service on the staff at any future time.

The Hospital Staff shall have exclusive power and authority to make all rules and regulations of a medical and surgical character for the administration of the hospital or hospitals to which such staff is assigned for service; but all such rules and regulations, before becoming operative, shall be approved by a majority of the Board of Hospital Commissioners, and said Hospital Commissioners shall have the right to change said rules. No member of the Hospital Staff shall receive any compensation for his services as such member.

The Board of Hospital Commissioners is hereby authorized and empowered to make all rules and regulations touching the attendance of members of the staff at the hospital and their duties while in attendance. Any member of the staff shall be subject to be removed by the Board of Hospital Commissioners at any time that to the Board may seem proper, but in such case of removal the successor of such removed member of the staff shall be selected from the faculties of the three medical colleges hereinabove named or from the regular physicians and surgeons of the city who are not members of such medical faculties, in case such removed member belongs to one or the other of the two above-named classes. (Section 4, Chapter 303, Acts of 1909.)

(5) It shall be the duty of the Superintendent and Surgeon to make monthly reports to the Board of Hospital Commissioners, which reports shall contain a full, accurate, and detailed account of all transactions at the hospital during such month, as the number of patients received, the number discharged, the expenditures made at the hospital during such month, as well as such other information as the Board of Hospital Commissioners may by resolution require the Superintendent and Surgeon to set forth in such monthly reports. (Section 5, Chapter 303, Acts of 1909.)

(6) There shall be a Superintendent of the Steward Department of the City Hospital, whose compensation shall be fifteen hundred dollars ($1,500) per annum, payable monthly, and who shall perform the duties of Steward as now fixed by ordinance of the city of Nashville and such other duties of a non-medical character as may be required of him by the Hospital Commission; but in the performance of all such duties the Steward shall be subject to the authority, direction, and control of the Hospital Commission. The office of Superintendent of Steward Department created by this Act shall be filled by the present Superintendent of the City Hospital, as created by an ordinance of the city of Nashville, approved June 12, 1903; and said Steward shall be subject to removal only under and in accordance with the rules of the Civil Service Commission of the city of Nashville. And said Superintendent of Steward Department shall live at the City Hospital and shall be provided living quarters by the Hospital Commission. (Section 6, Chapter 303, Acts of 1909.)

(7) There shall be four internes at the City Hospital, who shall be chosen as follows: The winners of the founder's medals in the graduating classes of each of the three medical colleges in the city of Nashville—to wit., Vanderbilt Unversity, the University of Tennessee, and the University of Nashville—shall be certified yearly to the Board of Hospital Commissioners by the faculties of their respective colleges; and upon such certificates being received, said Board of Hospital Commissioners shall commission said graduating students as internes for the City Hospital for the period of one year from and after the date of their appointment and commission. The fourth

interne shall be chosen by the Superintendent and Surgeon of the hospital; *provided, however,* that if the winners of the founder's medals or students receiving the highest grades in the respective medical colleges in the graduating classes thereof shall decline the appointment of internes at the City Hospital, then and in that event the student of such college or colleges receiving the next highest per cent in such graduating classes shall be certified by the faculties of such schools to the Board of Hospital Commissioners, and shall be commissioned and appointed for the period of one year, as heretofore provided. If such students should in turn decline appointments as internes, then said Board of Hospital Commissioners may appoint such internes for the period of one year, and in their appointments shall not be restricted to the graduating classes of the medical colleges hereinabove named.

The internes of the hospital shall be under the exclusive supervision, direction, and control of the Superintendent and Surgeon, and shall, if practicable, reside at the hospital, where they shall be furnished board and laundry free of charge; but they shall receive no compensation either from the Board of Hospital Commissioners or from patients at the hospital for their services as such internes. They shall perform such duties of a medical character as may be assigned to them by the Superintendent and Surgeon, and shall be subject to be removed and discharged by the Superintendent and Surgeon, who shall, however, in such cases, report in writing his reasons for such discharge or removal to the Board of Hospital Commissioners; and said Board may, if it sees proper, rehear such cases and determine whether or not such removals and discharges are justified; but an appeal as a matter of right shall not lie from the action of the Superintendent and Surgeon to the Board of Hospital Commissioners in such cases of discharge or removal. (Section 7, Chapter 303, Acts of 1909.)

(8) It shall be the duty of the Board of Hospital Commissioners to submit to the City Council of such cities quarterly reports in writing, which shall set out in full the collections and disbursements made on account of the hospital during such quarter, and shall contain the monthly report made during such quarter by the Super-

intendent and Surgeon, as hereinbefore provided for. All moneys collected from private or pay patients at the City Hospital, as well as from clinical fees charged the students of the various medical schools of the city of Nashville as fixed by the rules and regulations of the Board of Hospital Commissioners, and all other revenues derived from the operation and conduct of the hospital, shall be paid to the City Treasurer of such cities, who shall keep the same separate from the other revenues of the city and to the credit of the Hospital Department. It shall be the duty of the Board of Hospital Commissioners in each year, on or before the first of September, to submit to the City Council its estimate of the amount of money required for the conduct and operation of the hospital during the succeeding year; and it shall be the duty of the City Council, before the first day of January of each year, to agree upon and by ordinance provide for the annual budget of the Board of Hospital Commissioners. The City Council of such cities is hereby authorized and empowered to include in the annual levy of taxes for such city or town a special hospital tax of one-third of one mill on each dollar's worth of property assessed for city taxation, and the money thus levied shall constitute a special fund with which to operate the affairs of the hospital, as provided by this Act; *provided, however,* that the City Council shall have power to include in the yearly hospital budget some of the money over and above that realized from the special hospital tax herein authorized in the event such tax is levied and collected.

The Board of Hospital Commissioners shall have exclusive power and authority to make all expenditures out of the moneys appropriated for the conduct and maintenance of the hospital as hereinabove provided; and such expenditures shall be made by vouchers signed by the Chairman of the said Board of Hospital Commissioners, and, upon presentation to the Comptroller and Treasurer of the city, shall be paid by them and charged to the Hospital Department; *provided, however,* that if the Board of Hospital Commissioners so elect, they may by resolution authorize the Superintendent and Surgeon to make expenditures on account of the hospital, which may not exceed the sum of fifty dollars ($50), and a detailed account of which expenditures shall be furnished by the

Superintendent and Surgeon to the Board of Hospital Commissioners at their regular monthly meetings. When any expenditures, except for salaries, shall amount to five hundred dollars or more, it shall be the duty of the Board of Hospital Commissioners to prepare an ordinance, which shall be known as the ordinance of the Board of Hospital Commissioners, and to introduce the same in the City Council of such cities, which ordinance shall authorize sums of five hundred dollars or more to be spent on account of the hospital; and such ordinance shall be passed in accordance with the requirements of said cities regulating and governing the passage of ordinances. Any expenditure in excess of five hundred dollars made on account of the hospital or any liability or contract for any such expenditure, unless made as herein provided, shall be illegal and not binding on the Board of Hospital Commissioners; or if any such sum has been paid, the same may be recovered from the person or persons receiving the same in an action to be instituted by the Mayor and City Council of Nashville. (Section 8, Chapter 303, Acts of 1909.)

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